EMBASSIES AND FOREIGN COURTS.

A HISTORY OF DIPLOMACY.

BY

"THE ROVING ENGLISHMAN."

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Dedication.

This little book would be inscribed with the name of a dear friend and colleague, if I did not feel how little worthy are my best efforts to be compared with his fine genius, his delightful wit, and surprising learning.

PREFACE.

I desire in the plainest language to confess my great obligations to the works of Miruss, Martens, Wheaton, de Wicquefort, Bynkershoek, De Callières, Flassan, Cussy, and all those authors from whose labours I have profited so largely.

A writer who has already received kindness and favour from the British public, should be cautious how he intrudes on them again, lest he forfeit their good graces. He should remember that he is addressing men singularly laborious and learned; the soundest thinkers, and the ablest critics in the world; men to whose healthy and vigorous minds all pretension and nonsense are utterly abhorrent; and who will turn with galling contempt from any one who has boasted of his

strength only to display his weakness, or who is convicted of carelessness and impropriety throughout the longest work. The British public is at once the most fastidious and the most exacting. They are accustomed to a literary banquet too splendid and abundant from the best authors, to tolerate indigestible crudities from any other quarter. The laurel is not for him who writes a book, but for him who writes always well. Deeply conscious of this, I have tried, in earnestness and sincerity, to do my best; but if sometimes my attention has played truant, or my sight grown dim, I have only to plead in extenuation of my errors that natural sluggishness and imperfection of mind against which diligence struggles in vain, and good-will is useless.

I am conscious that I have not always been happy in the use of quotations. The art of quoting pertinently is one of the most difficult in literature; and perhaps I should have done better had I now and then compressed a lengthy extract into a few pregnant sentences of plain English. In dealing, however, with a great authority, there is risk in adding or curtailing

anything. When all was to be said, therefore, it appeared to me that the language had better be preserved likewise. Perhaps this was an error. The transition from one style and from one idiom to another is abrupt and disagreeable. A bright man is not always sufficiently master of several foreign languages to read them with ease; and therefore the current of his thought is interrupted, his attention is fatigued, and his taste offended.

In a work of this kind there must be always some sudden changes of subject. I have often, during so arduous a task, been glad to seize a fact or a thought, lest it glided from me; and thus, where it would have been inserted with more artistic skill in one page, it has found place in another. I have also to apologise for some needless repetitions; but I discovered these faults, as well as others, when it was too late to correct them.

Finally, I do not presume for a moment to claim the merit of scholarship, or the award of fame. I have merely taken some pains and spent some time in trying to explain, partly from books

and partly from experience, an art and mystery on which public curiosity is reasonably excited. That there should not be faults, and many faults, in a work of this kind, is impossible. In translating from various idioms—in searching half-a-dozen languages for the matter of a single page—it was hard to avoid confusion and inelegance of style. Nevertheless I trust that few grave errors of fact have crept into this work, and that the scholar and the lawyer, conscious of the difficulties which have strewn my path, will not be unwilling to acknowledge that I have sometimes surmounted them, and always most heartily and zealously endeavoured to do so. Lastly, a devotion ardent, anxious and complete, to one subject—the devotion of long years unwearied—may perhaps venture to hope for indulgence where it has failed to attain excellence, or win success.

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EMBASSIES AND FOREIGN COURTS.

CHAPTER I.

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Early Ages.

THE rights of legation appear to have been little understood by the ancients; and, although they unquestionably form one of the very first principles of international law, they do not seem to have entered at all into the consideration of the most enlightened and philosophical legislators of antiquity. We can often trace the germ or spirit of some act of our own parliament, passed yesterday, to a similar rule by which men were governed in the days of the Pharaohs; but as regards the laws which now regulate the intercourse between nations, we have been left almost entirely to our own devices, —not to wise saws, but to modern instances.

During the early ages, the communication between different states was not sufficiently frequent or important in time of peace as to call for special laws affecting it.

The difficulty of moving from place to place, the perils and uncertainty of the road, the complete and inevitable ignorance of the most learned or enterprising men respecting other countries,—all combined to forbid any considerable traffic between them.

Primitive Embassies

Ambassadors were then usually a few dispirited old men, among the last timorous remains of the population of some vanquished or menaced people, whose heroes had already fallen. They were sent as a forlorn hope, to deprecate the wrath of the conqueror by gifts and prayers; or they were the wily elders of some feeble nation, soliciting the protection or good-will of a powerful prince. In either case, they would probably understand too well the commonest feelings of the strong towards the weak, to affront the dignity of a monarch by seeking to establish that as a right it would be so much wiser to implore as a favour.

Want of union among nations.

In time of peace, distant nations had seldom any common object which required discussion; while the science of statesmanship was not sufficiently advanced to enable their rulers to appreciate the prospective advantages to be derived from joining an unknown people in foreign wars with which they had no immediate concern. As for the relations between states actually at war.

we have only to consider what they are in our own time, and how little the most solemn treaties are binding upon hostile princes, to learn that human passions are too mighty to have enabled mankind, at any period of history, to show justice and gentleness in their anger, or to conduct an obstinate and bloody struggle according to the rules of politeness. Thus, when laws would have been useless or despised, we may feel the less surprise that they were unknown.

Rights of Legation first fixed by special treaties.

The rights of legation, however, were gradually fixed and determined at last by treaties between separate states, such as suited their mutual convenience from time to time, and by the necessities or more enlightened views of advancing civilisation. The scholarship and research of Henry Wheaton, who long filled so worthily the post of American minister at Berlin, with the respectable labours of V. Ompteda and V. Römer, dispense me, however, from any further considerations on this subject.

Permanent Embassies unknown.

It may be assumed, indeed, with certainty, that the nations of the ancient world had no permanent diplomatic relations with each other. Their missions to foreign countries were despatched as circumstances arose which appeared to require them; and, when the immediate business at issue was arranged, the ambassadors returned to their homes, and their functions ceased.

The word *stranger* among the Greeks and Romans was nearly synonymous with that of

barbarian or enemy. Therefore, when the inhabitant of any other state crossed their frontiers, he fell into slavery. All his goods and chattels might be lawfully confiscated, except in cases where some special compact distinctly set forth the contrary;* even then, however, good faith was not always observed.

The Greeks called their allies Ενσπονδοι—literally, those with whom they had offered libations to the gods. All others they denominated Εκσπονδοι—or, as we should say, proscribed. During the Peloponnesian war it seems to have been a generally received idea among the Greeks that no consideration whatever was to be shown towards the people of any state not bound to them by special treaties.†

In point of fact international law was not recognised at all by the ancients. The rights of legation were few and uncertain. As a general rule, perhaps, it may be said, they were confined almost wholly to a few obsolete and insignificant forms, which were sometimes observed at the reception of ambassadors. The person even of a foreign envoy was only inviolable among them by custom and not by law. This custom, however, though never admitted as a right was sometimes enjoined as a religious duty, the violation of which might be visited by divine anger. Indeed, the Greeks had a very beautiful allegory on this subject, and their philosophers,

Ceremonies.

Customs and superstitions.

* Wheaton.

† Vide Mitford's Greece, vol. i. chap. xv. sec. vii.

skilled in all the recesses of the human heart, taught hospitality by the gentle warning that the gods sometimes visited mortal men in the likeness of strangers. Notwithstanding this, nevertheless, and the sacred nature of the relations between an ordinary host and guest among the ancients, the principle is still maintained in the *Justinian* Code, that all nations not allied by special treaties are to be considered as Hostes;* and though such a regulation may appear at first sight to be dictated by the pride of a people who had long learned to believe themselves invincible, we shall find, on closer examination, that it merely expressed the general feeling of the times.

The Justinian Code.

In the Mosaic law only, there existed certain injunctions which may be presumed to have constituted a sort of Jewish law of nations. The fourth† and fifth‡ Books of Moses, and the Book of Joshua§ afford valuable information on this subject, which has been also very ably treated by Michaelis and Putter. The rules laid down by the Jewish lawgiver, however, were in direct opposition to modern usage.

The Mosaic Law.

For the rest, it is distinctly mentioned in Scripture that the Israelites sent out embassies during the Theocracy. Both David and Solomon sent and received embassies, though the rights of legation were unsettled or unacknow-

The Biblical Ages.

* Vide l. v. § 2; l. xxiv. De Captivis.
† Chap. xxi. v. 21. ‡ Chap. ii. v. 25.
§ Chap. ix. v. 3—17.

ledged, and an envoy was subject to every caprice of a prince or his people.

In the second Book of Samuel, chapter x., mention is made of an embassy sent by David to Hanun, the son of Nahash, king of the Ammonites, to condole with him on the death of his father. It presents a curious picture of manners in the biblical ages, and gives us a strange, quaint glimpse of old statecraft, which shows how very little ambitious men's designs have altered with the progress of time. In the third and fourth verses, the reception of the foreign envoys is thus described: "And the princes of the children of Ammon said to Hanun their Lord, Thinkest thou that David doth honour thy father, that he hath sent comforters unto thee? Hath not David rather sent his servants unto thee to search the city, and to spy it out and overthrow it? Wherefore Hanun took David's servants, and shaved off the one half of their beards, and cut off their garments in the middle, even to their buttocks, and sent them away." It does not appear, however, that David considered this as a violation of the law of nations, or of the privileges and immunities then generally understood to appertain to foreign envoys.

Sacred character of Ambassadors in Egypt.

The ancient Egyptians, who were probably the most polite and civilised people of this period, both sent and received embassies very frequently. Among them the foreign envoy was early invested with a sacred character, which protected him from all harm or inconvenience.

This did not arise, however, from any peculiar principles of international law prevailing in Egypt, but was merely a superstition carefully fostered by the priests, who were usually the persons sent on embassies, and who, indeed, had the chief direction of state affairs.

Some authorities have asserted that the Egyptian priests were the first originators of a written "*jus feciale*;" that Pythagoras borrowed it from them, and introduced it into Greece. This view is supported, among others, by Von Römer, who attempts to refute the more generally received opinion that Rhesus, king of the Æquicolæ, is entitled to this honour. The reader who feels any interest on the subject will do well to compare Von Römer, § 4, with "Conradi Dissertatio de Fecialibus et Jure Feciale Populi Romani," Helmst. 1734, 4to; also Von Ompteda, Th. 11, §. 114—378. The Jus Feciale.

Although there were no fixed principles of international law acknowledged by many nations of antiquity, it must not, however, be hastily assumed that they did not recognise the necessity of interchanging certain national courtesies. It was a favourite subject of discussion among the subtle schoolmen of Athens whether any state could exist without the observance of certain duties and obligations towards its neighbours. When Themistocles, also, was sent by Athens as ambassador to Lacedæmon in order to negotiate for the right of fortifying the city with walls, which was disputed by the latter, he referred Embassy of Themistocles.

to the general principles * of international law, which did not recognise the right of one people to interfere with another on such matters. It is more than probable, however, that Themistocles merely argued on reasonable grounds, and rather from general usage than certain and admitted rules.

Greek Embassies.

It has been assumed that the origin of the jus feciale is to be sought among the Greeks, because messengers both of war and peace are frequently mentioned in their history. They were mostly priests, and were distinguished by carrying a staff or wand in their hands, when crossing an enemy's frontier, to insure their safety. However, the Romans appear to have been the first people who devoted serious attention to the rights of legation. Dionysius and Plutarch both assert,

heFeciales.

that Numa Pompilius founded a fecial college at Rome; and, although Ancus Martius has been named by other writers of equal repute, the dispute really matters little. It is probable that the latter improved and enlarged the statutes of an institution originally founded by his wise and peaceful predecessor.

The duties of the feciales, or fetiales, extended over every branch of international law. They gave advice on all matters of peace or war, and the conclusion of treaties and alliances. "Feciales" (says Varro, de Lingua Lat., l. iv.) "quod fidei publicæ inter populos præerant; nam

* Vide Corn. Nepos, in Them. chap. vii.

per hos fiebat, ut justum conciperetur bellum, et ut fœdere fides pacis constitueretur. Ex his mittebant, antequam conciperetur, qui res repeterent; et per hos etiam nunc sit fœdus," &c.

They fulfilled the same functions as heralds, and, as such, were frequently entrusted with important communications. They were also sent on regular embassies. To them was entrusted the reception and entertainment of foreign envoys. They were required to decide on the justice of a war about to commence, and to proclaim and consecrate it according to certain established formalities.

When sent on an embassy, the instructions given to them were irksomely strict and elaborate. They were also furnished with books of law and ritual, to instruct them how to act in any unforeseen occurrence. Hence arose a kind of Corpus Juris Gentium, which under the name of jus feciale embraced every part of international law then in force. Unfortunately, however, this Code has been entirely lost to modern curiosity and research.

The College of Feciales consisted of nearly twenty members, with a president, who was called Pater Patratus, because it was necessary that he **Pater Patratus.** should have both father and children living, that he might be supposed to take greater interest in the welfare of the state, and look backwards as well as forwards. The rules laid down for this body, by Numa Pompilius, form the seventh chapter of his Book of Laws, and they were

further augmented by Ancus Martius with the laws borrowed from the Æquicolæ. These precepts were, however, maintained only so long as Rome was a free republic; and soon after the commencement of the civil wars, we find they had already fallen into disuse. The name of Feciales indeed still existed under the emperors, as well as that of Pater Patratus, though only as a title of honour, while the institution itself was for ever annihilated; and, after the reign of Tiberius, we cannot find any trace of it.

Indeed the political constitution of Rome, during the civil wars, and under the sway of the emperors, was scarcely favourable to the growth or observance of international laws, and we look in vain among the most distinguished writers of the time for any satisfactory information on this subject. Rome was then so mighty, that she considered the whole world as her lawful prize. She regarded all other nations as barbarians, whose subjection dispensed her from the observance of any other laws towards them than those of conquest. She carried her arts and civilisation, indeed, whithersoever she went, and seems to have had many sound and merciful ideas respecting them; but she never admitted them to the right of treating with her on equal terms.

Jus Gentium. Thus, though we find the words "jus gentium" occurring frequently in Roman authors, they did not convey the same ideas which we attach to them. Grotius is, therefore, in error when he says (de Jure Belli et Pacis, pro. § 11): "Vere

enim Cicero præstabilem hanc dixit scientiam in fœderibus, pactionibus, conditionibus populorum, regum exterarumque nationum, in omni denique belli jure et pacis," &c.; for although Cicero (pro Balbo, c. vi.) relates of Cn. Pompey that he possessed a profound knowledge of alliances, treaties, the relations between sovereigns and their subjects, and especially of the general right of peace and war, we have no secure data which will allow us to ascribe to Cicero himself any knowledge of international law as a distinct science. Indeed, many passages might be pointed out in his Orations to establish the fact that he did not possess a clear idea of the "jus gentium." The most eminent of the Roman lawyers did not understand by those words the rights and obligations of nations towards each other, but the universal law of nature, which he placed in opposition to the narrower tenets of mere civil law. Even the authors of the Justinian Code had only an imperfect conception of international law. It must be admitted, however, that they possessed several sound laws respecting the rights of legation, though they were not reduced to a regular system.

It was laid down in the Justinian Code that municipal legates could not, in any case, justly claim the rights accorded to foreign envoys from free nations. The Justinian Code is also remarkable for applying to private rights many principles which, in later times, have been held to belong exclusively to the law of nations. This

leads us to regret still more sincerely the loss of those works by the elder Roman jurists, which have been suppressed or destroyed, because we are left in doubt as to whether the subject of international law may not have been treated by them in greater detail under the free and modest government of the republic.

CHAPTER II.

The Germans.—Legists.—Decisions by Precedent.—Influence of the Crusades.—Spain and Italy.—Grotius.—Rights of Legation.—Diplomatic Records.—The Peace of Westphalia.—Principal Collections of Treaties.

THE ancient Germans appear to have early derived an imperfect idea of the rights of legation from their wars with more civilised nations. The rights which they granted to ambassadors, however, were based altogether on superstition or religious injunctions, and were not subject to a fixed law of any kind. Ambassadors carried consecrated staffs in their hands, to secure their inviolability. Embassies were also usually confided to priests, who appear to have enjoyed great influence among them as intermediators in affairs of state. The Germans.

When the spread of Christianity materially altered the previous political organisation of Germany, the Catholic clergy soon found means to exercise the same power over the affairs of government as had been assumed by their Pagan predecessors. Until the introduction of the Roman and canon law, however, the rights of legation among the German nations rested upon mere tradition. The persons of ambassadors

were regarded as inviolable, because this immunity was supposed to be conceded to them by other nations. It was not very safe, however, for an envoy to presume very strongly on his privileges, and outrages were common enough.

Legists. Indeed, from the publication of the Roman Code in the beginning of the sixth century, till the appearance of the works of Hugo Grotius in 1625, the study of international law as a science appears to have been wholly neglected. So deep a respect for the wisdom of the Roman Code existed all over Europe, that only the pope claimed precedence over it, for any laws which he himself might promulgate. The Roman and papal codes were universally regarded as infallible throughout the civilised world, and no man dared meddle with them. Though learned persons must have long perceived that many of the ancient statutes were virtually obsolete, and more deserved to be so; heretical opinions were dangerous in those days, and few men cared to entertain them openly.

The jurists of the middle ages were thus obliged to get their knowledge of the rights of legation from the articles relating to legates in the papal code. It is needless to discuss the invariable difference which must have existed between the opinions of the legists and the decretists; for the legists founded their decisions in every case upon the statutes of the Roman code, while the decretists were guided wholly by the canon law—a fruitful source of dispute. If

Decisions by precedent.

in any particular case no written law could be found, it was usual to endeavour to decide by precedent.

The decretists grounded the rights of legation solely on the papal laws, which they accepted entirely without question. This was indeed the case with the commentators also up to the time of Grotius, and even later among the ecclesiastical lawyers.*

It should be here admitted that the efforts of the Church were usually very strenuously directed to check many abuses which interfered with international commerce. It was not, however, till after the Crusades had taught many nations to mingle in the close brotherhood of a common cause, and when the general adoption of the Roman Code, together with the union of the whole Western Church under one head, had gradually introduced many elements of harmony among nations, that a more enlightened idea of their mutual rights and duties began at last to obtain among the Christian states of Europe.

Influence of the Crusades

The universities of Spain and Italy eminently distinguished themselves during the sixteenth century by the publication of many learned treatises on international law.† In Spain, where, under the reign of Charles V. and Philip II. lived some of the first scholars in Europe, very great attention was paid to the study of international law, and, indeed, the state of Europe at that

Spain and Italy.

* Vide V. Römer, § 17.

† Compare Wheaton, p. 9.

time rendered it one of the most important questions of the age; while Italy, even as early as the close of the thirteenth century, had a long roll of learned and skilful diplomatists among her statesmen.

Grotius

Hugo Grotius (1583—1645), however, was the first man of eminence whose labour collected a series of precedents, taken from the practice of different states, and whose genius arranged them into one general system. Hugo de Groot or Grotius was born at Delft, and after passing through many curious adventures, was chosen by the Chancellor Oxenstiern in 1643 for the distinguished and difficult post of Swedish ambassador at the court of France; he fulfilled these functions till 1644. V. Omptcda* and others, however, have given so many circumstantial details of his early life and career, that it would be superfluous for me to repeat them. Grotius at once raised the law of nations to the dignity of a separate science, which has ever since engaged the study of statesmen and philosophers. He was essentially the founder of a new school, and his diligence paved the way which has been since trodden by so many feet with such various objects and results. His famous work "De Jure Belli et Pacis" goes at once to the heart of the subject, and deduces the rights and duties of nations towards each other, from those which are agreed on all hands to exist among individuals. He clearly divides the immutable law of

* P. 174—179.

nature from the arbitrary law of nations, with which it had hitherto been so often confounded, and he was the first teacher of a positive international law, although the examples cited by him have only reference to the practice of ancient times. It is obviously an error to regard his writings simply as a system of natural laws. It probably appeared clear to him that he was treating a subject very closely connected with natural laws; but he has only touched on them so far as they had reference to international law, and has therefore cited examples of the mutual relations between kings and their people. Indeed, Grotius himself says, that international law is partly made up from the law of nature, partly from Holy Writ, and partly from the customs and treaties of nations. For the rest, the distinction between the law of nations and the law of nature is not very clearly defined by Grotius. His chief design appears to have been to establish a system of international law based as much as possible on usage and precedent, and to leave all moot points to be decided hereafter according to moral laws, general principles, or acknowledged authorities. Von Römer, however, in the true spirit of a conscientious German, who will never leave any part of his subject unexhausted, rather contemptuously denies Grotius the merit of a philosopher for having evaded some of these difficult and delicate questions.

In the eighteenth chapter of his second book, Grotius has especially treated of the rights of **Rights of Legation.**

legation; and he observes, with great truth, that among all the rights and obligations enjoined by international law, these are certainly the chief. State treaties and other diplomatic records, however, contain so frequently definitions of the rights of legation, as they existed at different periods and under various circumstances, that I shall venture to give a brief catalogue of some of the most important collections of these documents. It is as well to add, that though their number has now grown so large that few public libraries of the highest repute can boast of possessing them all; the earliest do not date further back than the sixteenth century.

Diplomatic Records.

The most ancient collection of treaties with which I am acquainted is entitled, "Recueil des Guerres, et des Traités de Paix, de Trève, d'Alliance, &c., entre les Rois de France et d'Angleterre depuis Philippe Premier Roi de France jusqu'à Henri II., par Jean du Tillet," Paris, 1577, fol. These treaties, however, are ill-arranged and defective. Friedcrich Hortleder and Melchior Goldast, who lived in the seventeenth century, appear to have been the earliest collectors of diplomatic records in Germany. They published, however, only a very small number of treaties, and even among them were legal documents referring merely to the internal government of the empire.

The labours of Grotius, however, which became known in 1625, excited such a zeal for the study of international law as to arouse an

earnest inquiry after diplomatic records. The urgency of these researches was still further increased by the important negotiations which followed the thirty years' war. From this period collections of diplomatic records increased rapidly. Among these were the "Theatrum Europæum," Frankfort, 1635—1738; the "Mercurio Vit. Siti," &c.

The peace of Westphalia long regulated the state of international law in Europe, and gave rise to numerous collections of treaties and precedents. One of the most important was the collection of Leibnitz, which extended from the eleventh to the end of the seventeenth century. It was published at Hanover, in 1693, under the title of Codex Juris Gentium Diplomaticus, and it contains many valuable records previously unprinted: it is, however, printed very carelessly. In 1700 it was followed by a second part entitled, Mantissa Codicis Juris Gentium Diplomatici, &c. At this time Holland was regarded as the great centre of the world's affairs: it was the chief mustering-place and battle-field of diplomacy. There consequently were published most of the principal political works of importance: the Mercure Historique, from 1686; and the Lettres Historiques, from 1692, &c. The Peace of Westphalia.

Indeed, the demand for such works soon became so great as to hold out allurements to the genius of pecuniary speculation; and one Adrian Moetjens associated himself with a party of enterprising booksellers to prepare and

publish a universal collection of all the important diplomatic records then existing. These persons were mostly men of letters, and they appear to have watched over the progress of their great undertaking with laudable anxiety. The duties of editor-in-chief, however, were confided to a certain Jaques Bernard, a French theologist of some repute, who had been obliged to seek refuge from political persecution in Holland. He performed his task with much zeal and circumspection; and in 1700 an edition was published both at Amsterdam and the Hague entitled, "Recueil des Traités de Paix, de Trève, de Neutralité, de Suspension d'Armes, de Confédération, d'Alliance, de Commerce, de Garantie et d'autres Actes Publics, &c. Le tout redigé par Ordre Chronologique et Alphabétique et des Noms des Auteurs, dont on s'est servi." This is one of the most important collections of treaties extant. It is known by the name of the Great Dutch Collection. It contains 1625 records, and extends from the years 536—1700.

In 1707, Moetjens commenced the publication of another and enlarged edition of this work, under the editorship of Jean Dumont, though it was not completed for some years afterwards. The demand, however, for diplomatic records was so great that Moetjens was obliged to publish a smaller collection of treaties, for the use of anxious negotiators, till it could be got ready. This was entitled, "Recueil des divers Traités de Paix, de Confédération, d'Alliance et

de Commerce entre les États Souverains de l'Europe, et qui sont les plus importans et les mieux choisis, et les plus convenables au tems présent. À la Haye, 1707. 2 tom. 8vo." This collection, however, only contains a few treaties dating from 1700. Jean Dumont himself also published a small collection of treaties on his own account, pending his arrangements with the Dutch booksellers, for the editorship of the others. It is entitled, "Nouveau Recueil de Traités d'Alliance, de Trève, de Paix, de Garantie et de Commerce faits et conclus entre les Rois, Princes, et États souverains de l'Europe depuis la paix de Munster jusqu'à l'an 1709, lesquels pour la plupart n'ont point encore été imprimés, &c. À Amsterdam, 1710. 2 tom. 8vo." This is a very able compilation. It does not contain any of the treaties previously published in the Great Dutch Collection, but comprises a very considerable number of valuable records never before printed.

In 1710, also appeared an English work, of some note, styled, "A General Collection of Treaties, &c., from 1648 to the present time." 1 vol. 8vo. This was followed, in 1713, by a second volume; but neither are so valuable as the collections previously cited, though they afterwards formed the commencement of Rymer's magnificent work, known as "Fœdera, Conventiones, Litteræ, cujuscunque generis Acta Publica, inter Reges Angliæ et alios quosvis Imperatores, Reges Pontifices, &c., videlicet, ab anno 1101 ad nostra

usque tempora habita, &c., accurante Thoma Rymer," &c.* xvii. tom., Lond., 1704 — 1718, fol.; tom. xviii., 1726; tom. xix., 1732; tom. xx., 1735.

The advanced age of Rymer at last induced the Government to associate Robert Sanderson with him; and, after Rymer's death, in 1713, he completed the Collection. Vols. 16, 17, 18, 19, and 20, are understood to have been edited entirely by Sanderson. Several editions of this work have since appeared, but the most valuable is that published at the Hague, in 1739, in ten folio volumes.

The Rymer Collection was soon rivalled by the diligence of a German, named J. C. Lunig, who published (1710 — 1722) "Das Teutsche Reichs-Archiv." 24 vol., fol. The great merit and accuracy of this work is the more remarkable, because Lunig was not permitted to consult the Government archives, as Rymer had been allowed to do.

To these great works may be added the voluminous collections of records, published at the commencement of the eighteenth century, by Martens, Durand, Mieris, and others; the valuable collection of Papal Bulls, by Cherubin, and an endless medley of periodical political works, containing state papers and diplomatic records. The best modern authorities are Martens and Cussy. For a fuller list, however, of works of this kind the reader is strongly recommended

* Vide de Martens Sup. tom. i. p. xvi—xviii.

to consult the second volume of Mirus's admirable book, published at Leipsig, in 1847.

With respect to the special collections of separate states, see Martens' Recueil, Sup., Tom., for France, pp. xxxv., xxxvi.; for Spain, p. xxxvii—xli.; for Portugal, pp. xli., xlii.; for Great Britain, p. xlii—xlv.; for the Netherlands, p. xlv—xlviii.; for Denmark, p. xlviii—l.; for Sweden, p. l—lii.; for Russia, pp. lii., liii.; for Prussia, pp. liii., liv.; for Poland, p. liv—lvii.; for Austria, pp. lvii., lviii.; for Switzerland, p. lviii—lx.; for Italy, p. lx—lxii.; for the United States of America, p. lxii.

CHAPTER III.

Policy of Louis XIV.—Puffendorf.—Rachel.—Wicquefort.—Memoirs of Public Men.—François de Callières.—Bynkershoek.

Policy of Louis XIV.

THE history of Europe, from the peace of Westphalia to that of Utrecht, relates only one long series of wars occasioned by the policy of Louis XIV. France was constantly struggling to extend her frontiers towards the Rhine, and the treaties of Aix-la-Chapelle (1668), Nimwegen (1678), and Ryswick, assured nothing but a short and precarious peace. The science of international law, however, made more steady progress than might have been expected during such troublous times; and among the general consequences of the peace of Westphalia, it deserves to be mentioned that the French language became thenceforth the general medium of diplomatic intercourse. Permanent embassies also became customary about this period.

The first great writer on the law of nations who arose after Grotius, was undoubtedly Samuel Baron von Puffendorf (1631—1694), but he maintained several errors, which Wheaton* has very well exposed; and his views, though specious,

must generally be rejected. He was a man of a warped and crooked mind, who injured the cause he intended to advocate. In 1632, also, was born Benedict Spinosa. He was a native of Amsterdam, and a Jew, though he subsequently abjured his faith. Spinosa agreed with Hobbes in supposing the natural condition of all states to be one of war. He denied the existence of any legal right of possession, and asserted that no treaties were binding on superior force. Rachel (1628— Rachel. 1691), ambassador of Holstein Gottorp at the Congress of Nimwegen, disputed the conclusions of Puffendorff and Spinosa in an admirable treatise, entitled "De Jure Naturæ et Gentium dissertationes duæ." The adherents of Puffendorff's theories, however, will always remain numerous, on account of their great convenience to the winning side.

Among those who devoted their attention to Wicquefort. the rights of legation with most success at this period, Abraham von Wicquefort (1598—1682) deserves also a passing notice. His personal history is especially curious, and throws more light on the manners of the age than a library of novels. He was born at Amsterdam, and from 1626 to 1658 filled the employment of Resident Minister at Paris for the Electoral Prince of Brandenburg. In this capacity he attracted the enmity of Cardinal Mazarin, and was imprisoned in the Bastille. He remained there a year, but was then released, receiving at the same time permission to reside in France,

with the promise of a pension of 1000 crowns. The outbreak of the war between France and Holland, however, induced him to return to Germany, where he was accused of treason, and condemned to perpetual imprisonment; although at the same time he held the appointment of Resident Minister at the Hague for Brunswick Zell. He saved himself from this fearful punishment by changing clothes with his daughter, and returned (1679) to the court of Duke Georg Wilhelm of Zell. During his imprisonment, he wrote his well-known work upon the rights of legation. It was first published at Cologne, 1676, and entitled "Mémoires touchant les Ambassadeurs et les Ministres Publics, par L. M. P." It went through four editions the same year, and was then entirely revised and reprinted as "L'Ambassadeur et ses Fonctions." In the preface to this work occurs the following touching passage, which will find an echo in the breast of many a hapless scholar :—

"Pour moi, je ne promets pas un traité, où il ne manque rien, tant parceque la matière est inépuisable en elle-même, que parceque cette production s'étant faite dans l'ennui d'une très dure et insupportable captivité, il ne se peut que l'on ne trouve par tout des marques de mon chagrin, aussi bien que des infirmités qui me sont communes avec tous les hommes, et que je reconnais être grandes en ma personne. Je n'avais dans ma solitude d'autre compagnie que celle de quelques livres, qu'il fallait mendier du

fiscal, ni d'autres divertissements que celui de la lecture. Celle de l'histoire moderne et de tous les temps faisait une partie de mon occupation; je me plaisais à y remarquer quelques passages qui eussent pu servir, si non à la composition d'un traité régulier et méthodique, du moins au soulagement de ceux, qui ayant plus de fonds et plus de capacité que moi pourraient aussi s'y appliquer avec plus d'assiduité et avec plus de succès. Mais mon malheur m'ayant fait perdre toutes mes pensées, et ayant rompu toutes mes mesures, il a fait succéder à un projet assez raisonnable cet amas d'exemples qui ont été publiés sous le titre de 'Mémoires touchant les Ministres publics.' Ils parlent si amplement des exemptions, immunités, privilèges et avantages, que le droit des gens leur attribue, que pour leur donner quelque forme de traité, il suffisait à mon avis, de démêler et de rectifier dans cette troisième edition ce qu'il y a de confus et d'irrégulier dans les deux premières. Je sais bien que tout ce que j'en pourrais dire, ne fera pas une science qui ait ses principes mathématiques, ou qui soit fondée sur des raisons démonstratives sur lesquelles on puisse faire des règles certaines et infaillibles: mais aussi crois-je pouvoir réduire tout mon discours à des maximes, où il se trouvera quelque chose de fort approchant d'une infaillibilité morale."

Wheaton denies altogether Wicquefort's naïve claim to moral infallibility, and, indeed, his work is merely a collection of anecdotes and

historical illustrations more or less relating to his subject, but undigested, and arranged without clearness or method. It acquired a great reputation, however, for its author; and, though valueless as an authority, it is interesting enough in other respects.

In the seventeenth and eighteenth century, indeed, the public mind of Europe was much excited upon all political questions. The principles followed by Cabinets, and the manner of their application, with the laws which guided ministers and kings, had been hitherto but little known. Inquiry had modestly shrunk from entering such sacred precincts, and statecraft had been rather supposed a divine gift than a fit subject for discussion and investigation. A dangerous spirit was, however, now abroad. Newspapers and political writings grew numerous, and that anxious and sustained interest in public affairs was first excited in men's minds, which has continued with little diminution ever since. Public men of all countries became desirous to know with certainty what principles of international law were actually acknowledged, and what were disputed or denied. Great attention was paid to the memoirs of the statesmen and diplomatists of former times, and living men carefully chronicled their own.

Memoirs.

It was the age of diaries. Ambassadors not only made known the exchange of official notes and despatches, but they wrote the most minute history of their embassies; and we owe to this

commendable fashion some of the most interesting and faithful records in existence. How valuable such materials became for the complete settlement of the rights of legation can need no comment. Among those, however, which more especially refer to them should be cited, the portions of Machiavelli's works which concern his diplomatic missions; the Letters of Hugo Grotius to Oxenstiern, the Memoirs of Walsingham, the Letters of Cardinal Mazarin, the Negotiations of the President Jeannin, the Memoirs of Bellievre and Sillery, with the story of the negotiations during the treaties of peace at Nimwegen and Ryswick.

The public events, however, which followed each other so rapidly during this period, were of a nature which could hardly fail to have a marked influence on the theory and progress of international law. The long and intricate negotiations respecting the Pragmatic sanction to secure the possessions of the house of Austria to Maria Theresa, daughter of the late Emperor Charles VI.; the Austrian succession question; the seven years' war which altered the balance of power in Europe so materially, and the conclusion of peace at Paris and Hubertsburg (1763), all threw a flood of light on matters which concerned the usages and practice of nations towards each other. The age therefore was peculiarly rich in learned works on these subjects. Glafey Stapf and Ickstadt, all flourished between 1735 and 1754, and each contributed by his

honourable labours to swell the already numerous list of authorities. *François de Callières*, however, deserves still more especial mention, for he was at first the secret agent and then the acknowledged plenipotentiary of France during the negotiations for peace at Ryswick, and it is almost impossible to speak too highly of his work, entitled, "De la manière de négocier avec les souverains; de l'utilité des négociations, du choix des Ambassadeurs et des Envoyés, et des qualities nécessaires pour réussir dans ces emplois." This remarkable book appeared in 1716.

Fr. de Callières.

Bynkershoek.

In 1721, also, Cornelius von Bynkershoek produced his treatise, "De Foro Legatorum tam in Causa Civili quam Criminali," which is a masterly exposition of the rights of legation, as they exist, with some exceptions, up to our own time. A complete history of the progress of international law and the rights of legation, however, would fill volumes; and the subject has been so often treated, that it would be idle to take up further space with it. I will merely add, therefore, that the Congress of Vienna, in 1815, is the most prominent event in our own times; and the arrangements that were then made, with respect to the rank and precedence of ambassadors, and many other matters, have usually been followed ever since.

They could hardly have been fixed at a better time; for a series of long and bloody wars had been just brought to a close, and there

was the least possible tendency to raise any question which might create a dispute, on all sides. It need only be added, that it would have been well in our days, if the law of nations had been observed as exactly as it is now clearly and lucidly defined; and if the ambition of princes could be kept in check by the universal and pronounced opinion of all the sages and elders of Europe.

CHAPTER IV.

Necessity of Diplomatic Missions.—The Right of Negotiation.—How Exercised.—Royal Meetings.—Receptions of Envoys.—Plenipotentiaries.—Negotiations in Writing.—Permanent Embassies.—Representative Rank.—The Diplomatic Corps.

Necessity of Missions.

It may be laid down as a fundamental rule, that in the present state of the world the true interests of every power are best consulted by the constant employment of an accredited agent in every foreign country. No part of the public money is employed at more precious interest than that which is expended in the fitting and liberal salaries of such agents. Their purpose and utility is not only to watch carefully over the designs of foreign governments, and to take especial heed that no plans are adopted likely to be prejudicial to their own country, or her allies. They are not only essential to the becoming despatch of international business; and the conclusion of treaties and alliances; but it is meet that they should render it their special business to make themselves completely masters of every important detail in the foreign or domestic relations of the nations to which they are sent. They should diligently endeavour to acquire such knowledge as may enable them to furnish useful

information in time of war, and thereby save both blood and treasure; as well as that which may qualify them from time to time to point out to us how we may best serve our mutual interests by administering to the wants, and receiving from the superfluities, of our neighbours in time of peace. For the world has been so contrived by Almighty God, that we must all be dependent, the one upon the other; that no nation shall be endowed with everything, but that all shall possess something to them peculiar; or that each shall be able to produce more than they need of some desirable thing, by the exchange of which they may make up for their deficiencies in others. It is here, therefore, that a close and intimate knowledge of the true wants and productions of a foreign country may be held so eminently necessary in a diplomatic envoy; and if such knowledge were made public property by the regular printing of his despatches, it might be the soundest source of information upon which extending commerce could base her many operations. For information such as is received by merchants and private persons is often inaccurate, and obtained from doubtful sources. It is sometimes also purposely false, whereas the official despatches of a public servant might receive implicit credence in most cases, and in all grave attention. The publication of such despatches would be also of incalculable benefit—at least to all nations under constitutional government, because they would then be able to ascertain if their servants in

foreign countries served them well and ably, while the general condemnation might be brought more readily to bear upon them where they did not. An incompetent person could no longer be entrusted with the most serious interests of the world, and we should hear of the errors or misconduct of an envoy in time to prevent their producing a national disaster. Another of the most serious duties of an ambassador is to watch over the safety of his fellow-countrymen, and to give them all lawful aid and assistance in their business abroad. He is morally bound at least to show them all courtesy and kindness, and it is his imperative duty so to do. He is bound to protect their persons and property by every means within his power, unless they have committed offences against the law. He is a registrar, arbitrator, administrator of the goods of intestates. He is authorised to perform the marriage ceremony, and to worship with his co-religionists after the custom of his own country.

The Right of Negotiation. The right of negotiation is founded on the independence of states, and is one of the special privileges of sovereign power.

How exercised. It may be exercised either verbally, by personal interview, or by writing, with the usual official formalities: that is to say, *directly*—a plan which is seldom adopted for obvious reasons; or indirectly, by means of plenipotentiaries.

Royal Meetings. Should a meeting between sovereigns follow the negotiations of their plenipotentiaries, it may take place on the neutral ground between the

frontiers of their states, or within the dominions of another power.

Plenipotentiaries. Plenipotentiaries are usually either great officers of state, empowered to negotiate on some particular subject, or private individuals who have received full powers from their sovereign. To the latter category belong ministers and diplomatic envoys.*

Negotiations in Writing. Important affairs can very seldom be settled by negotiations in writing, and in our days the chief intercourse between nations is nearly always conducted verbally, at least in the first instance. In comparatively recent times, however, where the relations between particular states were neither frequent or numerous, extraordinary envoys were often delegated with full powers to transact some special business, and resigned their functions immediately the object of such mission was accomplished. We learn, also, from Heffter and other authorities, that formerly the Pope only entertained permanent missions, and even he did so merely at Constantinople and the court of France. Nations, however, knew very little about their real interest in those days, and few monarchs were rich enough to charge their revenues with the amazing expense of foreign embassies.

Reception of Envoys. The official receptions accorded to envoys from foreign states depended altogether upon circumstances. The envoys of powerful or friendly

* Vide Klüber, Martens, and Heffter.

governments enjoyed far more distinguished honours than were granted to others. Hence arose many petty disputes, which were very often gladly compromised to avoid more serious differences.

Permanent Embassies.

The establishment of permanent embassies took place about the same time as the formation of standing armies. Both these important changes in European policy began to appear towards the end of the fifteenth century, though they did not become general till the sixteenth, after the time of Richelieu and the peace of Westphalia.

Diplomatic Formalities.

From this time forth, certain formalities were gradually introduced into the business of embassies, and foreign envoys began to exercise a greater influence upon political affairs in Europe, as nations devoted more attention to their foreign policy.

Representative Rank.

The Diplomatic Corps.

At this period, also, first arose discussions as to the representative rank of an ambassador, a point not hitherto fixed. Thus, during that time of transition between the middle ages and modern times, a diplomatic corps was gradually formed at every court, whose business it was to maintain friendly relations between their own governments and that of the country to which they were accredited, and to receive or give explanations of all circumstances that might be otherwise likely to interrupt them. In process of time, if any state withdrew its representative at a foreign court, or declined to accredit one, this

came to be looked upon as a sign of enmity. Any hesitation in the reception of a diplomatic envoy, also, was usually interpreted as a sign of ill-will, unless fully explained; and to send his passports to a foreign representative was always held an unequivocal proof of hostility.

As permanent embassies grew more numerous, their importance was better recognised—the sphere of their duties was enlarged, and the mutual intercourse of states became more easy and better regulated. The rights of legation (Jus Legatorum, droit de Legation, droit d'Ambassade) became the basis of international law, and many privileges which in former times had been only granted to foreign representatives—such as the security of their persons and property—were gradually extended to all the subjects of a friendly power.

It appears, indeed, from a close examination of that inner and interesting portion of history which refers to the manners and traditions of nations, that such rights had been usually respected, even in the worst times, except in extraordinary instances; and although no positive law existed respecting the privileges of strangers in foreign countries, most European states were early agreed to treat them with kindness, if not with distinction.

CHAPTER V.

Qualifications for a Diplomatist.—Formalities.—Objects of Study.—Case of General Haynau.—Diplomacy.—Ossat and Mazarin.—Richelieu.—International Disputes.

Qualifications for a Diplomatist.

The pleasant, conscientious writers of Germany—to read whose works is to me a quaint and never-ending delight—are fond of expatiating on the attainments which they consider necessary to the formation of a true diplomatist. They tell us with a grave and enchanting simplicity that the representatives of a great nation should know something more than how to dine and to dance—to bow with becoming reverence, and to modulate his voice in such a manner that it may be heard without offence within the precincts of a court. They very justly set a proper value on the qualifications above mentioned; for a diplomatist can scarcely be useful in his office if he is not also a polished and genial gentleman—a happy mixture of the scholar, the philosopher, and the man of the world. They do not, however, subscribe to an opinion which has been of late years rather too prevalent in Britain—that accomplishments and the graces are alone sufficient recommendations for entrusting to any gentleman the most vital interests—the peace and

the honour of nations. They do not churlishly reject the popular, and, in the main, useful theory (as most popular theories are when we examine them fairly) that an ambassador should be something of a beau-cavalier — agreeable, witty, gentle-mannered—a clubbable man, indeed; only they think that he should also possess some other qualities and attainments, and that the outward glitter should be the mere setting of the gem within.

It is a cheerful and refreshing entertainment to read their *naive* descriptions of their *beau ideal* of this imaginary personage. They paint him with all the qualities of Apollo and Doctor Johnson. I have derived more gratification from the enthusiasm which pervades all their writings on this subject than from the delineation of a hero of romance by a female pen. They tell us, with infinite though unconscious humour, that a model ambassador should be especially distinguished for his profound knowledge of history, and notably of that portion which throws light on the manners and character of nations; that he should be thoroughly versed in their previous treaties and alliances, so as to understand the value which may be safely attached to their professions of friendship and good will in time of emergency. An ambassador, they say, should be acquainted with all the wearisome intricacies of geography, statistics, political economy or statecraft, genealogy*—to be able to form a sound opinion on

* Vide Miruss, v. i. p. 69, § 70.

questions of disputed succession or projected alliances—with the art of explanation and interpretation, or "making things pleasant," as we say. Now, all these things our German cousins not only venture to assert, are necessary for the mere foundation or groundwork, as it were, of an ambassador's education, but they actually have one single and generic name for them all combined. It is a long one (for our learned friends have powerful lungs), but it conveys its meaning with rather startling force and accuracy. It is "Hulfswissenschaften," or auxiliary sciences. Really, if one observes the light and familiar way in which our relatives pronounce this terribly long word—ay, and understand its meaning, too—one would think mankind should be altogether made up of Apollo Johnsons. Only fancy an individual whose mental endowments resembled those of the great lexicographer exhausting a merry diligence in learning to play on the guitar; while Apollo's image by his side is qualifying himself gravely to square the circle or discover the longitude. I am afraid the reader will accuse me of lack of reverence—reverence for dignities—in writing thus; yet this is the picture the German writers conjure up. Why should they not be in the right, too? Shall folly never lay aside her jingle and her bells, or wisdom learn to smile?

A thorough knowledge of technical and customary forms is as necessary to a diplomatist as to a lawyer. They are of paramount importance in all written documents and avoid a multitude of

petty difficulties. It is the fashion in England just now to despise routine, but the practical man of business will often perceive that it is of very great utility in delicate matters. The forms observed in diplomatic communications with foreign states prevent all cause of offence respecting the proper enumeration of titles and dignities. They regulate the precise words of respect and courtesy necessary to be used on every occasion: they deprive argument of its heat, and expostulation of its acrimony.

A thorough general acquaintance with the laws, constitutions, organisation, and government of foreign states is very necessary. An ambassador should be also well versed in the law of his own country, since matters may very frequently arise in which a clear exposition of it may be necessary to prevent serious misunderstandings. I will give an example: When that unfortunate outrage on General Haynau took place in England, and called forth so strong a feeling of animosity against us in Austria, it is probable that much might have been done to soothe the wounded pride of that country if the state of the English law could have been clearly explained at the time; if it could have been pointed out that since General Haynau had declined to prosecute we were unable to punish the offender. It is impossible to think, without the deepest regret, the enduring anger which has been excited against us by this unhappy circumstance.

Objects of Study.

Case of Hayn

It is obvious also that a sound knowledge, at

least of all general laws in force in the country to which an ambassador is accredited, will often enable him to give useful advice and warning to his fellow-subjects who might be inadvertently about to transgress such laws. It will point out to him those things which he can claim as a right, and those which are granted to him out of courtesy or respect for the nation he represents. In every separate state also certain usages exist different to those which obtain in others respecting the rights and privileges of foreign envoys. These are usually the subject of special laws or ordinances, and it is essential that an ambassador should clearly understand all regulations which affect his own position, in order that he may in no case give subject of offence, or trespass beyond the limits which are assigned to him.

It has been generally held that in states where the law is so uncertain, that proper security is not guaranteed to life and property by an efficient police, a foreign ambassador is entitled to demand a special guard to assure his safety; and indeed this is usually done by the representatives of the Christian powers in the East and in the Barbary states.

Diplomacy. The word Diplomacy appears to have first come into use towards the end of the eighteenth century. It is derived from the Greek word διπλωμα, and may be defined in an extended sense* to signify everything connected with the administration and negotiation of foreign affairs.

* Vide Garden. Hist. de la Diptie.

"La Diplomatie, et la diplomatique," says M. de Garden, "malgré l'apparente analogie de leur denomination, n'ont point de rapport; le dernier nom sert à designer la connaissance technique des diplomes. La Diplomatie embrasse le système entier des intérêts qui naissent des rapports entre les nations, elle a pour objêt leur sureté, leur tranquillité, leur dignité respective, et son but direct, immédiat, est ou doit être du moins le maintien de la paix et de la bonne harmonie entre puissances. Les principes de cette science ont leur source dans le droit international, ou droit des gens positifs, qui forme la loi commune des peuples Européens ce droit présente l'ensemble des régles admises, reconnues, consacrées par la coutume ou par les conventions, et qui fixent les droits et les devoirs des états, soit en paix, soit en guerre."

Pecquet, another French writer on this subject, in the forty-second page of his excellent preface to "L'art de Négocier avec les Souverains," says: "Un Négociateur pour être supérieur doit être préparé dès l'enfance à cette profession importante." And again, further on, he urges the necessity of a man forming a just judgment of his own capacity before he enters on so difficult and delicate a career. He rightly insists on the fine moral qualities—the belief in good, and the appreciation of the beautiful, which is necessary to form an able negotiator. It would be impossible indeed to estimate such qualities too highly. The fate of nations very often hangs on the judi-

cious conduct of a diplomatist. His success depends almost entirely in the confidence and esteem which he inspires. It is indispensable that he should be of approved candor, honour, and probity. An importunate vivacity will frequently disgust the persons with whom he may have to deal, while a heavy, plodding manner will infallibly weary out their attention before his story is half told. Perhaps, however, my honest friend—Mirus—sums the whole affair up when he says, plainly and simply, "Zu politischen Unterhandlungen gehören umfassende Kentnisse, Gewandheit, Verstand und ein ausgebildetes Urtheil. Bei der Auswahl der Unterhändler weniger auf diese Eigenschaften, als auf Reichthum und Geburt zu sehen, ist in der Regel einer der grossten Fehlgriffe."*

The learned Mably, however, frankly confesses that he dares not enumerate all the qualities necessary to make a good diplomatist, because "Ich würde einen Menchen darstellen, der nie zu finden seyn wird." Or, he adds, pleasantly, "träfe man ihn auch endlich an;" it would sometimes be unsafe to use him; since there are matters in which a fool may be better employed than a wise man. Lord Bacon, I remember, in his essays, also has something very much to the same effect.

England and Germany have not produced so many distinguished diplomatists as Russia, France, and the old Italian States. Of those French negotiators (with whom we are most

* Page 72.

familiar) we shall perhaps hardly find two examples more worthy of note than the Cardinals Ossat and Mazarin. The former appears to have invariably adopted the most perfect frankness and truth in all his dealings. His idea of statesmanship was based on the fair and open principle of sincerity; and, indeed, such a policy will be found in all cases where it has been adopted to have been eminently successful. In a frank, plain statement there is always something attractive even to the most crooked-minded men. The negotiator has also told the worst, and every day softens the first effects of his communication; whereas, if he begins by glozing over a disagreeable matter which must be discussed in its true form at last, his affairs are every day growing worse, and he has nothing to hope from a future which will certainly plunge him into deeper difficulty. Ossat believed, therefore, that it was, in the first place, necessary to state his case clearly, and then he trusted always to carry the matter in hand by appealing to the reason of his adversary, and forcibly pointing out the advantages of the measure he advocated. Nothing escaped his fine understanding and penetrating intellect, which could in any manner contribute to so legitimate an object. The arguments he adduced in the first place were always as well considered, as just and unanswerable as possible. All his skill, we are told, therefore, consisted in reiterating them again and again with unshaken constancy, and in an easy agreeable

Ossat and Mazarin.

manner. This made him a most perplexing antagonist, for he always maintained his point with as much courtesy as firmness. Mazarin, however, had not been bred in so noble a school. He owes his reputation altogether to cunning and intrigue. He was so profound a dissembler, that deception became the habit and custom of his life. It was a rule with him to treat the affairs of which he most desired the accomplishment with apparent indifference. In this he seems to me to have made a capital mistake, for such a proceeding could only cool the zeal of friendship and give a troublesome confidence to opposition. Mazarin, however, had that trickster mind which has often characterised bad women in places of power, or the slaves and eunuchs of the East. He loved deceit for its own sake. He had more pleasure in deception than success, and he would have considered himself robbed of half his triumph if he had not been able to boast of the unworthy means by which he obtained it.

Richelieu. Perhaps no one, however, has possessed a clearer or more philosophical idea of the art of negotiating than Richelieu. The following instructions deserve to be written in letters of gold:—

"Il faut agir en tous lieux (ce qui est bien à remarquer) selon l'humeur et les moyens convenables à la portée de ceux avec qui on négocie.

"Diverses nations ont divers mouvemens, les unes concluent promptement ce qu'elles veulent faire, et les autres y marchent à pas de plomb.

"Il faut agir avec un chacun selon la portée de son esprit. En certaines occasions tant s'en faut que parler et agir courageusement, après qu'on a mis le droit de son côté, soit courir à un rupture, qu'au contraire, c'est plutôt la prévenir et l'étouffer en sa naissance. En d'autres, au lieu de relever mal à propos de certains discours faits imprudemment par ceux avec qui l'on traite, il faut les souffrir avec prudence et addresse tout ensemble, et n'avoir d'oreilles que pour entendre ce qui fait parvenir à ses fins.

"Les grandes négociations ne doivent pas avoir un seul moment d'intermission, il faut poursuivre ce qu'on entreprend avec une perpétuelle suite de desseins, en sorte qu'on ne cesse jamais d'agir, que par raison, et non par relâche d'esprit, par indifference des choses, vacillation des pensées et par résolution contraire.

"Il est difficile de combattre souvent et être toujours vainqueur, et c'est une marque d'une extraordinaire bénédiction, quand les succès sont favorables aux grandes choses, et seulement contraires en celles dont l'événement est peu important.

"L'importance de ce lieu me fait remarquer, qu'il est tout-à-fait *nécessaire d'etre exact aux choix des ambassadeurs et autres négociateurs*, et qu'on ne sçauroit être trop sévère à punir ceux qui outrepassent leur pouvoir; puis que par telles fautes ils mettent en compromis la réputation des princes et le bien des états."

Among the most valuable qualities of an

ambassador also are: the art of listening and paying a lively and polite attention to the dryest details of business; infallible presence of mind, a sound and rapid judgment, a frank and upright bearing, a pleasant address—a cheerful disposition to take things as they are rather than measure them by some imaginary standard of perfection. Let him especially shun all appearance of mystery and solemnity, as only calculated to make others unnecessarily suspicious and difficult to deal with. Lastly, he should cultivate habitual calmness, decorum, and good temper, as only secondary to religious duties.

International Disputes

The great advantage of employing permanent and skilful envoys will appear the more obvious when we consider the numerous examples in history where disputes, in themselves insignificant, and which might have been arranged in their early stages with a little tact and prudence, have been envenomed by neglect and idle rumours till they have, at last, involved the world in long and bloody wars. It may be safely advanced that the peace and prosperity of any state permanently, depends greatly on the men she has chosen to represent her in foreign countries, to explain her policy with fitting ability, and to assert her rights with prudence, gentleness, and moderation. "La guerre," said a French philosopher very finely, "n'est que la mésintelligence."

Cardinal Richelieu, who is the great advocate for permanent embassies, and is entitled to the honour of the first statesman who habitually

employed them, made some very pertinent observations on this subject. He says:—

"Les états reçoivent tant d'avantage des négociations continuelles, lorsqu'elles sont conduites avec prudence, qu'il n'est pas possible de le croire, si on ne le sçait par expérience.

"J'avoue que je n'ai connu cette vérité que cinq ou six ans après que j'ai été employé dans le maniement des affaires; mais j'en ai maintenant tant de certitude, que j'ose dire hardiment, que négocier sans cesse ouvertement ou secretement en tous lieux, encore même qu'on n'en reçoive pas un fruit présent, et que celui qu'on en peut attendre à l'avenir ne soit pas apparent, est chose tout à fait nécessaire pour le bien des états.

"Je puis dire avec vérité, avoir vu de mon temps changer tout à fait de face les affaires de la France, et de la Chrétienté, pour avoir, sous l'autorité du roi, fait pratiquer ce principe, jusqu'alors absolument négligé en ce royaume, etc.

"Celui qui négocie trouve enfin un instant propre pour venir à ses fins; et quand même il ne le trouveroit pas, au moins est-il vrai qu'il ne peut rien perdre, et que par le moyen de ses négociations il est averti de ce qui se passe dans le monde, ce qui n'est pas de petite conséquence pour le bien des états.

"Les négociations sont des remèdes innocens, qui ne font jamais de mal; il faut agir par tout, près et loin, et surtout à Rome."

It is proper here to add that Klüber and Privileges of Ambassadors.

Martens both maintain that an ambassador is entitled to the same rights and privileges whether employed on state affairs or entrusted with the mere private business of his sovereign.*

* Vide Klüber, Europ. Völk, Bd. i. § 272—275; also Martens, Précis, &c. (1831), tom. ii. pp. 35—37.

CHAPTER VI.



The Active Rights of Legation.—Tributary States.—The States of the Empire.—The Swiss Cantons.—Wallachia and Moldavia.—Towns and Corporations.—Neuchatel and Bienne.—Sovereigns who have Abdicated, or been Dethroned.—Interregna.—The Passive Rights of Legation. — No State is bound to receive Ambassadors.—Law of Charles V.—Reasons for Refusing to receive Ambassadors.—How far such Refusal may extend.

Active rights.

EVERY independent state has the right of sending ambassadors to foreign powers. Each separate state of a union or confederation possesses also the same right, in this respect, as states which are not so united, unless special exception be made to it in the articles of the union. To the latter category belong the Confederated States of Germany and Switzerland.*

The right of sending ambassadors is one of the attributes of sovereign power, and cannot be exercised by any subject or subjects, with whatsoever privileges he or they may be otherwise endowed.†

* See Bynkershoek, Qui recte Legatos mittant, lib. ii. c. 111; Klüber, Bd. i. S. 282, 283; De Martens, Précis, &c. (Nouv. ed. 1831), tom. ii. p. 37—39; and Heffter, Völk. der Gegenwart, S. 333.

† Vide Moser, Beyträge zu dem neusten Eur. Völk. &c. Th. iv. S. 38; and Klüber, Oeff. Recht des teutschen Bundes, S. 128; with other authorities of equal repute.

A deputation may, however, be sent by them to a foreign power, with full knowledge and permission of the sovereign or his representatives. This is a case which has occurred frequently in England of late years, but was extremely rare in former times.

A sovereign prince may also delegate to a subject the right of sending ambassadors to foreign states, though it is a very unusual thing so to do. Ambassadors so sent, however, would be entitled to all the rights and privileges of other ambassadors.

Tributary States.

The right of sending an ambassador cannot be denied to tributary states, or those under the protection of other powers, or to any other state whatsoever which still retains sufficient independence to make war, to conclude peace, and to contract alliances; unless the rights of such state be limited by special treaty.

States of the Empire.

The states of the German empire and the Dukes of Courland had formerly the power of sending ambassadors; but the counts and barons of the empire had neither the right to send or to receive them.

Swiss Cantons.

The rights of legation are also still possessed by the Swiss Cantons separately, and they are empowered to send envoys to foreign states upon any matter which does not concern the general interest, or interfere with the central power, of the Confederation.

Wallachia and Moldavia.

In the XVI. article of the Treaty of Peace concluded between Russia and the Porte in 1774,

very limited rights of legation were accorded to Wallachia and Moldavia,—they being then simply empowered to send a permanent chargé d'affaires to Constantinople, under the protection of the law of nations. This circumstance has contributed, perhaps, more than all others, to the ruin and degradation of these principalities, as well as to the success of the designs of Russia against the Porte. They have been oppressed and disregarded because their wants and interests have been unknown.

Towns and Corporations.

Several towns and corporations formerly possessed the power of sending ambassadors to negotiate with foreign states, on matters of war and commerce. Vattel cites Neuchatel and Bienne, in Switzerland, as being entitled to the "droit de Bannière" (Jus armorum), and having enjoyed the power of sending ambassadors in consequence.

Neuchatel and Bienne

Sovereigns who have abdicated or been dethroned.

A sovereign who has voluntarily abdicated has certainly no further right to send or to receive ambassadors, because this right is not vested in his person as an individual, but is inseparable from the sovereign power. There are, however, some examples in history which may be cited to prove that princes who have laid down their crowns have, nevertheless, retained this right, and it has been admitted. Among such instances may be mentioned the Emperor Charles V., and Christina of Sweden.

If a sovereign has been dethroned by a revolution in his own dominions, or by adverse wars,

he is still held to possess the right of sending ambassadors as long as the least chance of success may attach to his cause; and this, notwithstanding any opposition which may be made by the existing government of his dominions. The same right, however, must also be admitted to belong to the usurpers of his power, or its denial will be construed into a proof of ill-will or a menace of hostility.

Interregna.

In cases where the throne is declared vacant, the rights of legation will be vested in those who are lawfully summoned to administer the affairs of state during the interregnum, and who thereby are entrusted with the attributes of sovereign power.

No state is bound to send ambassadors to foreign powers, unless by the conditions of some special treaty.*

It is customary to send due notice to a foreign court previous to despatching an ambassador thither for the first time; and also on the nomination of every other ambassador afterwards. It is usual, also, to give the name of the person appointed, in order to avoid any subsequent difference or discussion upon this subject.†

Passive rights.

The right of sending embassies corresponds with the right to receive them; and the one depends upon the other. Nevertheless, some

* Vide Klüber, S. 283; and Martens, Précis, &c. tom. ii. p. 41.

† Vide "Considérations Historiques et Diplomatiques sur les Ambassadeurs des Romains, comparées aux Modernes," p. 14, par M. Weiske.

states which have been allowed the right of sending embassies have not, necessarily, been permitted to receive them.*

States not bound to receive Ambassadors.

No state is bound, by the law of nations, to receive diplomatic agents from any foreign power, unless compelled to do so by treaty, in some particular instance.

The reception of an ambassador, however, may be tacitly promised by granting him passports for his journey; also by the acceptance of his credentials.

The reception of an ambassador is an acknowledgment of the rights of his sovereign. It is a mere matter of choice and interest whether a state agrees to receive an ambassador or otherwise; unless special treaties have limited the rights of refusal of any particular state, by distinct conditions.†

Some nations, however, have fixed laws on this subject, and one of the articles in the constitution of the United States of North America obliges the president to receive ambassadors and public ministers from foreign powers.‡

In the circular note, also, addressed to the members of the Rhenish Confederation, by

* Vide Klüber, S. 285—286; also Bynkershoek, Qui recte Legatos mittant, lib. ii. c. iv.; and Schmelzing, Systematischer Grundriss des praktischen Europaischen Völkerrechts, Th. xi. S. 95.

† See Schmelzing, Th. ii. S. 98; Klüber Bd. i. S. 285; Martens, Précis, &c. tom. ii. p. 41; and A. W. Heffter, Eur. Völ. S. 334.

‡ Vide J. Story's Commentaries on the Constitution of the United States.

the prince-primate, and dated Aschaffenburg, 13th September, 1806,* occur these words:—

"Der Fürst-Primas unterwirft den Einsichten der verbündeten Monarchen und Souveräne die Entscheidung der Frage: ob der Grundsatz der Unverletzbarkeit des Gebietes des rheinischen Bundes nicht die erste und wichtigste Stütze sei, um die allgemeine öffentliche Wohlfahrt aufrecht zu erhalten?—ob es nicht der hohen Weisheit der verbundeten Monarchen und Souveräne gemass sei, fremden Truppen, selbst unbewaffneten, den Durchmarsch nie ohne Einwilligung des ganzen Bundes zu gestatten? endlich, ob es nicht ebenso der Würde unabhängiger Souveräne angemessen sei, dass ihre Stellvertreter bei dem Bundestage zu Frankfurt, dessen Geschäft es ist, die innere Ruhe zu befestigen, *keine fremden Gesandten* annehmen, und keine an fremde Höfe abschicken? welches natürlicher Weise jedem der in dem Bunde vereinigten erhabenen Monarchen und Souveräne, und nicht der Versammlung ihrer Bevollmächtigen, vorbehalten ist."

Law of Charles V.

In the laws of the Emperor Charles V., however, it is laid down that if a foreign state refuse to receive an ambassador from a friendly power, which may have occasion to negotiate with her, such refusal should be held infamous, and in direct opposition to the law of nations.†

Notwithstanding any examples which may be

* Vide Winkopp, Der rh. Bund, bd. i. H. i. S. 148.

† Compare also De Real, La Science du Gouvernement, tom. v. p. 140; and Heffter, p. 334, note 1.

adduced to the contrary, however, it is usual for every state to receive ambassadors from all friendly powers. When an ambassador has once been received at any court, he is entitled to every privilege enjoyed there by his order without further question.

The grant of a first audience with the sovereign is considered the official announcement of an ambassador's reception by the court to which he is accredited.

Reasons for refusing to receive Ambassadors.

The reasons which any state may allege for refusing to receive an ambassador are various:— 1. When an ambassador has had any previous misunderstanding at another court, the court to which he is afterwards accredited may refuse to receive him till the matter has been satisfactorily arranged, as in the recent case of Sir Henry Bulwer at Florence. 2. A sovereign may refuse to receive an ambassador, from a desire to avoid some inconvenient ceremony which his arrival or presence would entail. 3. A sovereign may also refuse to receive an ambassador who has given him any cause of offence; or who is personally disagreeable to him.

The refusal of any state to receive an ambassador may be notified either to the government by which he is appointed, or to the ambassador himself, in various ways. Thus, should he already have arrived at his destination, an express or tacit refusal to receive his credentials will be sufficient to explain to him either that he will not be received at all as an ambassador, or only under

certain conditions which may be explained to him, or otherwise.

Information of such refusal may also be conveyed to him upon his journey, and he may be even denied permission to pass the frontiers of the state to which he has been accredited.

In doubtful cases, therefore, it is better to ascertain clearly the reception which is likely to be accorded to an ambassador before he is despatched at all.*

How far such refusal may extend. A sovereign is not bound by the law of nations even to allow an ambassador proceeding to another state, permission to halt in his progress, or travel through his territory. He may impose any restrictions he pleases on an ambassador while passing through his dominions, or any part of them; although the ambassador is always entitled to demand security for his person and suite.†

* Vide Ahnert, Lehrbegriff, Erfordernisse und Rechte der Gesandten, Th. i. S. 172.

† Compare Achenwall, Diss. de Transitu et Admissione Legati, &c.; also Chr. Rau, De Transitu et Admissione Legati. Martens and Klüber also support these views, and Martens gives some valuable illustrations.

CHAPTER VII.

Full Powers.—Plenipotentiaries.—Duration of Embassies.—Ambassadors and Envoys Extraordinary.—Various denominations of Ambassadors.—Arch-Ambassadors.—Diplomatic Rank.—Strange Delusions.—Ministers Resident.—Chargés d'Affaires.—Gentlemen Envoys.—Ministers of State at a Congress.—The ancient Venetian Bailo.—The Podesta.—Legate or Nuncio.

THE full powers confided to an ambassador may be either limited or unlimited; they may either refer to general business, or to some special and particular affair. **Full powers.**

The title plenipotentiary, however (plena potestate munitus), is ordinarily used in the former and more general sense. Among the earliest persons who received this title may be mentioned Cardinal Mazarin, whom I find was styled Plenipotentiarius at the Congress of the Pyrenees. **Plenipotentiaries.**

In modern times, the title of Minister Plenipotentiary is usually given to envoys of the second class, and this without any reference to the nature or extent of their powers.

There is no article in the law of nations which fixes the period at which the embassy of an ordinary ambassador shall terminate. The mission of an ambassador extraordinary,* however, **Duration of Embassies.**

* The word Ambassador is used generally both here and elsewhere, as that with which the British public are most familiar.

who is sent to negotiate upon some special business, is usually arranged to terminate within a certain time; as in the recent mission of Lord John Russell to Vienna.

The latter class of ambassadors were commonly employed before the establishment of permanent diplomatic relations between states.

Ambassadors and Envoys Extraordinary.

In modern times, it may be here observed, that the practice has been to give the title of ambassador extraordinary and envoy extraordinary to permanent diplomatic agents. It must be acknowledged that this custom also has appeared reasonable enough.

Sometimes ambassadors are appointed *ad interim*, during the vacancy of a diplomatic post or the absence of the usual resident.*

Various denominations of Ambassadors.

There are various denominations of ambassadors, such as negociators (ministres négociateurs); ambassadors of honour (Ehren-gesandte, ministres d'étiquette, ministres de cérémonie, &c.); of obedience (legationes obedientiæ, ambassades d'obédience); and the arch-ambassadors of the holy Roman empire.

The negotiating ambassadors are those exclusively entrusted with affairs of state.

The ambassadors of honour are those despatched on the occasion of any great national ceremony or event, such as the birth or marriage of an heir to the throne; the accession or death

* Vide Dorn, Diss. de eo quod justum est circa legationes assiduas; Moser, Versuch, part iii. p. 55; and J. L. Klüber, vol. i. p. 287—288.

of the sovereign; also, to convey thanks, congratulations, or condolences, and on occasions of the christening or betrothal of royal personages.

Klüber* mentions also embassies of excuse, despatched to apologise for any untoward accident. Such an embassy was required in the first article of a treaty of peace concluded between France and Genoa in 1685; and I can scarcely fancy a more convenient manner for a weak state to get out of a serious scrape with a strong one, or to compromise some matter on which public opinion has been very much excited, without further unpleasant results. Ambassadors of honour are usually invested with the highest diplomatic rank, besides being personages of mark and importance in other respects. It is not unfrequent, however, especially in modern times, that the duties of an ambassador of honour are superadded to those of the resident ambassador. Embassies of obedience belong to the middle ages, and were sent to the pope at the time when religious fanaticism placed almost all the sovereigns of Europe beneath the papal yoke. The pope laid claim to the honour of receiving a special embassy from every catholic sovereign, to notify his accession to the throne, and formally to assure the pope of his especial reverence and obedience. In C. G. Buderi de legationibus obedientiæ Romam missis, liber singul. cap. ii. § 1, the object of these embassies of obedience is thus explained: "Alios non minus Europæ

* Vol. i. p. 289.

multarumque orbis partium reges, principes, respublicas, *sedi Romanæ* missis splendidis *Legationibus*, *venerationem* exhibuisse atque promisisse obedientiam, commemorabilibus edocemus exemplis, &c." In later times these embassies were also called embassies of reverence—ambassades de révérence.

The assertion of Miltitz, in his "Manuel des Consuls" (tom. II. part i. p. 246), that "the Roman Emperor and the Duke of Savoy were specially exempted from this obligation, is refuted by many examples in the history of the middle ages. Thus, in Buderi de Legat. Obed. &c., lib. sing. cap. i. (de legatis obedientiæ Regum ac *Imperatorum* R. G.) § ix., we find this passage: "Sub Henrico V. Rege Romanorum et Imperatore, Henric. IV. F., solemnis et obedientiæ promissis, et legatorum obedientiæ Romano Pontifici præstandæ caussa, missio orta videtur." With respect to the qualifications of an ambassador of obedience, we find also, further on (cap. iii. § i.): "eliguntur a mittentibus, viri et natalium splendore et gravitate munerum eminentes. Quales et nisi eleguntur, *requirere solet ipsa curia Romana, hisce in rebus solertissima.*" And again, § iv.: "prima cura est, ut introitus et receptio legatorum obedientiæ splendide fiat et convenienter." Günther, Stieve, Lünig, and Klüber also all follow on the same side.

Arch-Ambassadors. Lastly, we meet here and there in history with the arch-ambassadors of the holy Roman empire. They appear to have been very important func-

tionaries, with extensive powers; but I do not find anywhere that such powers differed materially in their nature from those of other ambassadors, save that the arch-ambassador possessed the *prestige* of superior rank and consequence.*

There does not really appear to be any difference in the duties of diplomatic agents; and I have therefore generally used the word ambassador, when speaking of them generally, as being that most familiar to the English reader. Every chief of a mission, whatever may be his official title, is, in point of fact, entrusted with the management of the affairs of his government at the court or capital in which he resides. Custom, however, is, as usual, at variance with reason in this matter. Custom is very fond of ranks and classes. It has therefore, latterly, divided diplomatists into four distinct orders. Formerly, there was only one class of diplomatists, and they were all called by the same name; the private agents that were sometimes sent to foreign courts, on the personal affairs of princes, not being then invested with a diplomatic character. However, we have grown wiser with time. We like a little quiet jealousy and heartburning among our servants, even where there is no manner of necessity for it.

Diplomatic Rank.

The diplomatists, however, have only themselves to thank for having been ticketed and classified in this way. It is on record, that, during the 15th and 16th centuries, they set up

* See Franc de Roye, De Missis Dominicis, cap. xiv. p. 64.

such extravagant pretensions, as to become a burthen and a weariness to all mankind. They were in the habit of declaring themselves the direct personal representatives of royalty. The monarchs of those ages were not usually very respectable people; but, somehow or other, their diplomatists had an idea that regal manners became them vastly well; and they played some of the most extraordinary parts in history while under this singular hallucination. It is rather odd that kings should have allowed and applauded such an impudent caricature of themselves, but they did so; for they were wonderfully jealous of any disrespect shown to them abroad; and several died of rage, even, when they were unable to avenge it; or plunged all Europe in blood, to wipe out an affront, if they thought they could do so with safety to themselves.

Strange delusion.

In consequence of this strange loftiness among diplomatists, it became necessary to take them down a little, and they *have* been taken down accordingly.

Firstly, a class of diplomatists was created, who were called Ministers Resident. They were reduced to the disagreeable necessity of representing their sovereign only in matters of business, and not in private life. They did not receive the same honours which were paid to ambassadors, though their rights and privileges were substantially very much the same.

Chargés d'Affaires.

Subsequently was also created a third class, who were entitled Chargés d'Affaires (agentes in

rebus); but these must not in any way be confounded with the *agents* who were often entrusted with the private and personal affairs of sovereigns.

Even this arrangement, however, did not answer for a long time; and the nonsense and priggishness of these diplomatic geniuses became at last so offensive and inconvenient, that towards the end of the 16th century sovereigns were very nearly giving up the diplomatic service in despair, as a mere hot-bed of trouble and disputes. It became customary, therefore, about this period, to despatch gentlemen of repute to foreign courts, without any diplomatic title at all; and indeed, at first sight, nothing would appear so reasonable, modest, and proper as such a proceeding. These persons seem to have done their business quite as well as if they had been dressed as gaily as harlequins, and provided with half-a-dozen names a-piece, almost as glittering and worthless as their clothes. They were merely called gentils-hommes envoyés, or gentleman envoys; and there is a fine simplicity about the name, quite surprising in any thing or person diplomatic.

Gentlemen Envoys.

From these gentlemen envoys arose a class of individuals endowed with a title which has positively sometimes seemed given in irony. It is that of *extraordinary* envoys. Later still was created the class of ministers plenipotentiary. The title of ambassador, however, takes precedence over all others; and ambassadors are yet allowed the now harmless enjoyment of maintaining what is called the representative character,

or indulging in the bumptious delusion before mentioned.*

In the beginning of the last century there were three classes of diplomatic ministers; and this division was confirmed in the "Règlement sur le Rang entre les Agens Diplomatiques," signed by the representatives of the eight† powers, at the Congress of Vienna, in 1815.

In 1818 it was also agreed, between the five powers—Austria, Russia, Prussia, France, and Great Britain—at the Congress of Aix-la-Chapelle, that the ministers resident accredited to these courts should hold a rank between that of ministers of the second class (such as were usually sent by the great powers) and chargés d'affaires (which were usually sent by the small ones). So that henceforth each of the contracting powers created a fourth class of diplomatists; and most of the other European courts have since silently concurred in this arrangement.‡

Ministers of the first class, or ambassadors, are those who are indubitably invested by their sovereign with the representative character and the highest diplomatic rank. They are not held merely to represent the sovereign in affairs of

* See Moser, Der belgradische Friedensschluss zwischen Ihro Römisch-Kayserl. Maj. und der Ottomannischen Pforte. There is a capital preface on the character and attributes of ambassadors and other official personages; see also De Bielefeld, Institutions Politiques, &c., p. 174; also Klüber, Schmelzing and Martens, &c.

† Austria, Spain, France, Great Britain, Portugal, Prussia, Russia, and Sweden.

‡ Vide Protocole signé à Aix-la-Chapelle le 21 Novembre, 1818, sur le Rang des Ministres Résidens.

business, but in every other respect; so that they can lay claim to receive the same honours as would be paid to the sovereign if personally present. "Da indessen," says a German author, with the usual bewitching naïveté of his countrymen on such subjects, "alle diese Vorrechte auf Herkommen beruhen, so haben darin von jeher natürlich manche Abweichungen Statt gefunden; or, in plain English, considering that all these preposterous privileges of ambassadors rest upon custom, and not upon right, it is not unnatural that many "unfashionable" events have taken place with respect to them. The word unfashionable appears rather mild; but really it would be almost beyond modern belief that any person should still be found with ideas so antiquated and absurd as to insist on the observance of musty and obsolete customs in his honour, were it not that so many of us have recently witnessed it.

In modern times, however, it is seldom indeed that an ambassador is so ill-advised as to claim sovereign honors. If he did, they would be refused to him at most European courts with a smile or a sneer, as the case might be. The actual practice of modern courts has almost wholly rejected them as the merest nonsense, except on extraordinary state occasions.

To the first class of diplomatists belong ordinary and extraordinary ambassadors, Grosbotschafter or grand-ambassadors (a variety I have never yet seen), magni legati, oratores, &c. In former times, also the Venetian bailo at Constan-

tinople, the Legati a latere or de latere, and the ordinary and extraordinary papal nuncio, all claimed to belong to the first class of diplomatic envoys.*

The title of extraordinary ambassador appears in recent times to have been held more honourable than that of ordinary ambassador; but it signifies nothing in reality, the rights and privileges of both being perfectly equal. When an ordinary ambassador and an extraordinary ambassador are accredited by any sovereign to the same court at the same time (a practice which seems not likely to become obsolete), the ordinary ambassador usually yields precedence to the extraordinary ambassador. This depends, however, in some measure on the position of the parties and the instructions of their home government.

Ministers of State at a Congress.

Formerly it was not unusual to treat ministers of state at a congress with the honours of ambassadors, although they might only be accredited as plenipotentiaries. Thus at the Congress of Soissons, in 1728, Count V. Sinzendorf, the imperial minister of state, and Cardinal Fleury, the French minister, were only accredited as plenipotentiaries, in order by these means to waive the inconvenience of a dispute for precedency which might otherwise have been forced on

* Compare Bynkershoek, quædam de Prerogativa ordinis inter Legatos et inter Principem præsentem et majoris absentis Legatum; also Klüber, vol. i. p. 291; and De Real, Science du Gouvernement, tom. v. ch. i. p. 1.

them. Nevertheless, both were treated with the honours of ambassadors.

The reception of an ambassador of the first class is a very formal and troublesome affair, and the higher his rank, the more costly and wearisome are the ceremonies required. It happens, therefore, frequently in history that states have been forbidden by special treaties to inflict this harassing annoyance on each other. Sometimes sensible princes have declined altogether to subject themselves to the absurdities of an ambassador. Thus, in 1759, when King Charles of Sicily ascended the throne of Spain, he affronted the dignity of the pope by declining to receive the nephew of his holiness, Cardinal Rezzonico, who had been sent on an embassy to wish him joy on this auspicious occasion.*

In recent times ambassadors have been very seldom sent to foreign courts; sovereigns have agreed to spare each other this offensive expense; to most places, therefore, ministers of an inferior class are despatched on public business, and in our time Russia, Austria, England, and France have been almost the only states which have sent or received ambassadors. France has recently increased the number of her embassies, but Great Britain has only two,—one at Paris, and one at Constantinople.

The Ancien Venetian Bailo.

In 1265 the Venetians claimed the right of having a bailo (bailo, balio, bayle, bajulus, baillivus, rector, recteur) at Constantinople and

* See Ahnert, Th. i. p. 51.

Thessalonica, to exercise jurisdiction over the Venetians who resided there. The miserable emperors of the East were obliged to concede this privilege to them. The duties of a bailo seem to have been very much those of a modern consul in the same places, though his rank was higher. He not only exercised civil and criminal jurisdiction over his countrymen, but he was required to administer their effects if they died intestate. He was bound to attend to all matters of shipwreck or accident to Venetian vessels (which then did all the carrying trade in the East), and to watch over the safety of the persons and property of all those who were saved on such occasions.

The Podesta. The Venetian representative at Constantinople had previously been called podesta, but this title was put aside on the institution of the office of bailo. The Venetian bailo was also styled protector and chief judge of all the Venetians in the East. Hence were derived the rights which are now claimed by the Levant consuls.

Subsequently the title of bailo was given to the Venetian ambassadors at the Porte, and they continued to bear this appellation till the end of the republic. The bailo enjoyed many of the rights and privileges of the podesta (a sort of viceroy, or military and civil governor of Constantinople). He had the same splendid retinue and princely state, he wore the purple on all occasions of ceremony, &c.*

* Bajulus vel Baillivus, Ital. *Bulio*, qui vice *Legati Ordinarii*

For a long time the Turks applied the name of bailo to all European ambassadors, and this title is still sometimes given by them to consuls.

Legate or Nuncio.

A papal ambassador of the first class was styled a legate, or a nuncio. Bielefield (Inst. Pol. t. ii. p. 272) appears to be in error when he supposes any difference to have existed between the functions of the legatus a latere and de latere. Miltitz (Manuel des Consuls, t. ii. part i. p. 245) says clearly, " Le pape appelle ses Légats a latere ou de latere, pour announcer que se sont les hommes de confiance tirés de son conseil intime. Il appelle a latere *ceux qui sont Cardinaux*, et de latere ceux qui ne le sont pas. On ne conçoit point que les prepositions *a* ou *de* donnent ici un sens différent, et la distinction établie par la Cour de Rome n'est qu'une pure subtilité de canonité."* Some difference in point of rank, however, seems to exist between a legate and a nuncio, for we find that the one is frequently a cardinal, but the other never. Nuncios are sometimes styled ordinary, and sometimes extraordinary, in the same manner as ambassadors.

The representatives of the pope at Catholic courts claimed precedence over all others.†

Venetorum fungebatur Constantinopoli, dum Imperatores Græci in ea urbe Imperarent. Compare Du Cange, Gloss. tom. i. col. 936; also Hammer, &c.

* Vide Gregorio Leti, Il Ceremoniale Historico e Politico, part ii. p. 565—616; also Martens, Eichhorn, and other authorities.

† Compare Règlement sur le Rang entre les Agens Diplomatiques, Art. iv.

It was the custom of Catholic sovereigns also to receive the papal legates with extraordinary honours. In France they were formerly attended on their arrival by the princes of the blood. They sat down during their audiences with the king, and did not uncover their heads. On all banquets of ceremony* they sat at the king's table, a distinction not bestowed on nuncios and other envoys. As a sign of their spiritual character also, they caused the cross always to be borne before them in public. The nuncios were usually archbishops or bishops. In France, they were likewise received in former times by the princes of the blood, who attended them to their first audience with the king. No difference was made between an ordinary and an extraordinary nuncio, except that if both were at the same court, the extraordinary nuncio took precedence of the other.†

The Papal rights of legation have always been very unsettled. The spiritual and temporal power of the popes invested them with two distinct characters, which were not always easily reconciled. They were so fond of employing the thunders of the Church to carry political objects, that they were constantly coming into collision with the other sovereigns of Europe. They issued

* Wicquefort (lib. i., x.) says, that in consequence of this custom, the Pope never sent a legate to France without previously inquiring if he were personally agreeable to the king.

† See Gregorio Leti, part iv., pp. 450, 525, 682, 318; De Callières, ch. vii., and Klüber, Acts of the Congress of Vienna, v. i., p. 204, &c.

bulls, conferring altogether unprecedented powers on their representatives at foreign courts, endeavouring thereby to invest them with greater weight and authority in matters of business. They insisted that their cardinal legates should enjoy the same privileges which appertained to them at Rome, and that they should take precedence of all the bishops and clergy of the countries to which they are sent.

Before the Reformation the Papal claims, however extravagant, seem to have been almost universally admitted without discussion.* After the Reformation, however, they were very considerably modified. The Catholic sovereigns even revolted against the pride and authority of the legates and nuncios. They began to contest and limit the powers which had been so long usurped by the court of Rome; and at last they took example by the emperor and used the influence of their own clergy to free themselves and their subjects gradually from all interference of the Papal commissaries.

In 1785 we find the rights and duties of Papal nuncios defined (in the Kurpfalz-Baierischen Intelligenzblatte, No. 63) as follows. The power and authority of Papal nuncios extend over—

1. All patriarchal, primatial, metropolitan, and other cathedral, collegiate, and parish churches; all religious houses, monasteries, nunneries, and convents of every order; also the institution of

* See Sexti Decret., lib. i., tit. xv., de Officio Legati, cap. i.

the Mendicant Friars, and the Hospitallers (who, being immediately under the jurisdiction of the Pope himself, formerly claimed exemption), their chapters, convents, universities and colleges, with their inmates, secular and regular, and to visit and reform the same as appear expedient to him.

2. To alter the charters of religious institutions, and to grant new ones; or to publish and confirm *those* already existing.

3. To abolish abuses.

4. To inquire into the evil doings of all seculars and regulars, and of the Mendicants: to punish them and lead them back to honest courses, and to aim at their reformation.

5. To inquire into the offences of all recusants, false coiners, usurers, incendiaries, and other criminals; to search out their abettors; to institute judicial proceedings against them, and to bring them to punishment.

6. To examine and accommodate all suits for divorces, the restitution of conjugal rights, and all other ecclesiastical, lay, civil, criminal, or miscellaneous suits of whatever nature, whenever the subject of action can be removed to an ecclesiastical court, *excepting the affairs of benefices and appeals.*

7. The distribution of all simple benefices not falling within the provisions of the apostolic month, when the revenue does not exceed twenty-four ducats of standard gold (auri de camera).

8. To grant dispensations in order to avoid public scandals.

9. To grant permission to alienate the estates of the church, or to give such estates in fee, till the third generation.

10. To grant dispensation from an oath, for the purposes of justice.

11. To absolve from ecclesiastical censures.

12. To grant absolution from the guilt of homicide, or killing by accident; perjury, war, adultery, incest, whoring, and other carnal offences.

13. To issue orders for the discovery and apprehension of concealed or unknown criminals under penalty of excommunication.

14. To grant indulgencies.

15. To grant licenses to perform mass in forbidden places, with closed doors, or under other unusual circumstances.

16. To grant permission to eat milk and animal food on fast days.

17. To administer all the sacraments at other than the appointed times.

18. To absolve persons guilty of simony, as well as their agents in the transaction.

19. To give permission for the blessing and consecration of churches, cemeteries, altars, bells, &c.

20. To grant marriage dispensations in the third and fourth degrees of consanguinity. Also marriages, within those degrees, which have been knowingly or unwittingly solemnised at a former time.

21. To grant dispensations in ecclesiastical matters.

22. To absolve from all ecclesiastical censures and from all legal punishments; to appoint deputies; to delegate judges, commissaries, executors, and even—if necessary—to summon the temporal power in aid of these designs.

The list of these privileges, granted by Pope Benedict IV. to his nuncio at Cologne, is still extant. It is written in Latin, and frequent extracts from it are to be found in the works of the period.

The nuncios indeed formerly established papal tribunals in several European countries. They were particularly powerful at Vienna, Cologne, Brussels, and Lucerne. In Germany the people complained bitterly of the injustice of these courts, but no attention was paid to their remonstrances, till the establishment of a new tribunal at Munich at last roused the general discontent beyond endurance. By a Papal decree, dated 14th of February, 1785, the nuncio at Munich was invested with the same privileges and jurisdiction as the others; but no sooner had the tidings spread throughout Germany than the utmost consternation prevailed everywhere. Even the bishops were indignant, and scrupulously asked the Pope to define clearly the duties of the new nuncio. They formally expressed their intention to resist his jurisdiction and the exercise of his obnoxious powers. To some of the more considerable of these remonstrating bishops the Pope deigned to reply, that the

nuncio at Munich would exercise the same powers as the nuncio at Cologne. To others he sent a haughty reprimand, and the rest received no answers at all. The Archbishop of Cologne, however, finding his dignity and importance altogether eclipsed by the nuncio, would not be comforted. He sneered at foreigners and Italians with all that vivacity of hate which is wont to characterise bishops when humbled or annoyed. At last, therefore, the Pope was reluctantly induced to issue two decrees, allowing "that the judges of the synod should be appointed in the manner prescribed by the council of Trent, and that they should receive full power from Rome in causes brought before the tribunal in formâ pauperis." In all other cases, however, it was provided that appeals "must be carried to Rome, or to the nuncio, when it would be referred for proper inquiry and discussion to one of the judges of the synod."

The bishops, however, who have always shown a laudable anxiety for their purses and privileges, were still unsatisfied. They appealed for protection to the laws of the empire. The Elector of Mayence and the Archbishop of Salzburg laid their cases before the emperor. Bishops are usually good men of business where their interests are concerned. And on this occasion they pressed their suit with more than usual shrewdness and sagacity. So, on the 12th of October, 1785, the Pope was equally surprised and offended at the appearance of the famous imperial rescript, by

which the nuncios were deprived of all jurisdiction within the German empire.*

Bishops are great advocates for passive obedience of all laws favourable to them. The imperial rescript therefore was honoured by the strictest observance. Its contents were known at Mayence and Salzburg as fast as couriers could carry them; and the Prince Bishop of Freising immediately wrote to the nuncio Zoglio, (who had just announced his arrival at Munich), and told him that he could no longer be permitted to exercise any powers in defiance of the imperial rescript. The Pope still endeavoured to battle the point, and issued several decrees which caused a good deal of irritation at Vienna; but the times were hardly favourable to his genius, and the bishops ultimately won a complete victory.†

The nuncio at Lucerne remained longest in the exercise of his exorbitant powers, but he was deprived of them at last. In vain the nuncios insolently denounced the bishops as heterodox. In vain they declared all marriages between relatives (without the Papal dispensation) as incestuous and invalid, and the children of such marriages illegitimate and incapable of

* See pragmatische und actenmässige Geschichte der zu München neu-errichteten Nuntiatur, sammt Beleuchtung des breve Pius VI., an den Fürst-Bischoffen zu Freysingen, mit authentischen Urkunden belegt, &c.

† See Kurze Darstellung der gegenwärtigen Nuntiaturs-Streitigkeiten, &c. (1789, 4to.); also the Answers of the Bishops of Spires and Mayence to the Points mooted at Ems (1787, 8vo.,

inheritance. The spirit of the age was against them, their curses were disregarded, and they were gradually learning how bitter a thing is arrogance without power, when the French Revolution broke out, and contemptuously disposed of the whole question.

Since then the pretensions of the court of Rome have been settled by special concordates, the first of which was concluded between Napoleon and the Vatican in the year 1801. In this it is clearly set forth that "no bull, brief, rescript, decree, mandate or other documents of the Roman chancery can be accepted, published, or printed —even although it may refer merely to private persons—without the express authorisation of the government."

In Sicily, a royal decree, dated 2nd September, 1817, ordains that no Papal bull or brief can be valid without the royal exequatur. Throughout Germany the powers and jurisdiction of nuncios were abolished in a special minute placed on the journals of the Diet by the Elector of Mayence.

CHAPTER VIII.

Envoys of the Second Class.—The French Ambassador at the Porte. The Austrian Internuncio.—A Polish Internuncio.—A Papal Minister.—Diplomatic Envoys of the Third Class.—Commissioners.—Deputies.—Private Agents.—Secret Agents.

Envoys of the Second Class.

DIPLOMATIC envoys of the second class are not supposed to represent the persons of their sovereigns, but only to act for them in state affairs. They enjoy, however, certain privileges and public honours, though much less than those which are claimed by ambassadors.

The second class of diplomatists comprise: Envoys (Inviati, Ablegati, Prolegati), ordinary and extraordinary; Ministers Plenipotentiary; the Austrian Internuncio at Constantinople; and the Papal Internuncios. Envoys and ministers *ad interim* are often comprised within this class, though not properly belonging to it.

By Art. IV. of the regulations established at the Congress at Vienna, the rank of diplomatic envoys of the second class is also accorded to all ministers and other persons who are actually accredited to the sovereign himself.*

* Compare Dithmar, Dissertatio de Legatis Primi et Secundi Ordinis; De Hagehorn, Discours sur les différens Caractères des Envoyés Extraordinaires, p. 36; Vattel, Droit des Gens, lib. iv., ch. vi., &c. &c.

In recent times, it has become usual to give the title of Extraordinary to all envoys of the second class. Formerly they were simply called envoys; afterwards the words "extraordinary" and "plenipotentiary" appear to have been added for the sake of sound or distinction—it is not easy to say which. De Callières says (ch. vi.): "Les envoyéz extraordinaires sont des ministres publics, qui n'ont point le droit de représentation, attaché au seul titre d'Ambassadeur; mais ils jouissent de la même sureté, que le droit des gens donne à tous les ministres des souverains." *

Ministers plenipotentiary have been considered as belonging to the second class of diplomatic agents since the middle of the last century. In France we find them so characterised in 1738, and in Austria in 1740. Men have so delighted in distinctions, also, that it has sometimes happened an envoy with full powers has been held inferior in rank to a minister plenipotentiary. † The title of envoy extraordinary and minister plenipotentiary, therefore, are usually now given to the same person.

In the treaty of alliance between Sulieman the Great and the King of France, we find it expressly stipulated that the ambassadors of the latter (who had hitherto been frequently subjected The French Ambassador at the Porte

* See also Moser, de Real, Schmelzing, Ahnert, and C. F. de Martens.

† This matter appears to have been gravely mooted at the Electoral Court of Cologne in 1787: see Politic. Journal, 1787, p. 447; also G. F. de Martens, Précis, vol. ii. p. 52.

in Turkey to usage contrary to the law of nations) should henceforth be treated with due consideration, and take precedence of all other ambassadors at Constantinople. This met with the strongest opposition from the rest of the diplomatic corps at the Sublime Porte, till at length the Emperor of Germany got out of this petty difficulty, as far as he was concerned, by changing the title of his representative to that of internuntius. The stipulations of the treaty with France have since fallen into disuse; but as the conduct of ambassadors at Constantinople has been frequently obstreperous and disorderly, the Austrian government have continued always to appoint a simple internuntius.

The Austrian Internuncio.

In v. Arnim's Cursory Remarks of a Passing Traveller, printed at Berlin in 1838, it is stated that "the word internuntius originally signified a rank below that of envoy." At Constantinople, says the same authority, "the precedence of ambassadors among themselves is not fixed, as in other capitals, by the date of their credentials; but the French ambassador takes precedence of all others. Then follow the representatives of England and Austria, if Spain or Holland does not contest the third place." M. von Arnim, however, seems to have forgotten all about Russia, although that power was usually far too prudent to be mixed up in nonsensical squabbles of this kind, and has therefore frequently kept a mere chargé d'affaires at the Porte.

In our day the Austrian internuncio is con-

sidered of inferior rank to the ambassadors of France and England (the only countries that still retain ambassadors at the Porte); but he takes precedence of the ministers and envoys of all other states. De Real (T. v. c. i.) mentions a Polish internuncio at the Porte, and adds that the Turkish representative at the imperial court of Germany bore the same title also. The papal internuncios take the same rank at foreign courts as envoys extraordinary. Bielefeld, Pacassi, and some others who have placed internuncios in the third class, and nuncios in the second class of diplomatic agents, appear to be in error.

A Polish Internuncio.

Formerly, the pope gave the rank of envoy to the messenger deputed to carry the hat to a newly-appointed cardinal residing in a foreign country. Such envoys were, however, seldom mixed up in state affairs. Some cases are mentioned, also, where the pope has appointed one of the regular clergy as his representative at a foreign court under the simple title of "minister." Such ministers have only been appointed, however, *ad interim* till a vacancy could be filled up, and their functions have ceased altogether on the arrival of a nuncio.

A Papal Minister.

Diplomatic Envoys of the Third Class.

To the third class of diplomatic agents belong those who are styled merely *ministers*, or accredited ministers without other title; also, ministres chargés d'affaires, a title very rarely conferred. In 1784, however, the King of Sweden gave this unusual name to his chargé d'affaires at Constantinople. In the Mercure

Historique (1793, t. i. p. 117) this is expressly stated as the first instance of the kind known, and I am not aware of any other ministers resident (ministres résidents), in former times. Ministers resident appear to have enjoyed certain advantages which were not conceded to simple *residents*; but in no case can they therefore be ranked with ministers of the second class. There are some diplomatists, also, merely styled *residents*, who belong to the third class. This title was formerly very frequently given, but it is now rare. Comparatively recently, however, it was borne by the Prussian representative at Frankfurt; and it is usually bestowed on the diplomatic agents of the East India Company to the native princes of India. To the third class likewise belong chargés d'affaires. These are usually appointed only during the absence of ministers, and are generally secretaries of legation; in which case it is customary for the minister to present them to the court in that capacity, previous to his departure. The presentation is made to the minister of foreign affairs. In any case they must be provided with the written authority of the minister before they can be admitted to exercise the functions of chargés d'affaires, which entitle them at almost every court to be recognised as belonging to the third class of diplomatic agents.

Agents, consuls-general, even consuls, when invested with a diplomatic character, and all envoys of the third class are accredited to the minister

of foreign affairs at the court where they are to reside, and not to the sovereign. In some cases, however, they also receive special credentials. The regulations of the congress of Vienna place in the third class only, "chargés d'affaires accrédités auprès des ministres chargés des affaires étrangères." *

Ministers Resident accredited by either of the Five Powers, represented at the Congress of Aix la Chapelle, in 1818, viz., Austria, Great Britain Russia, France, and Prussia, form a middle class between envoys extraordinary (second class) and chargés d'affaires. The attempts usually made by residents to claim the rank of *ministers* resident are not borne out by the terms of the protocol. †

There is a marked difference between an envoy to a foreign court and a *commissioner* entrusted by his sovereign with a mission on state affairs to any of his own provinces. Commissioners, however, are sometimes sent to foreign countries for the settlement of boundary questions, navigation laws, &c. Ambassadors are also frequently named as commissioners in such matters without any prejudice whatever to their diplomatic character. Commissioners.

The persons of commissioners sent to foreign countries are inviolable, and they can also lay claim to certain exemptions, &c.: but it is not

* Compare Martens, Précis, t. ii. p. 52;—Moser, Versuch, Th. iii. s. 50;—Th. iv. s. 579;—P. Müller, Diss. de Residentibus eorumque Jure;—Rousset, Cérémonial Diplomatique, t. i. p. 60;—and de Wicquefort, v. i. p. v.

† See Protocole signé à Aix la Chapelle, le 21 Novembre, 1818, sur le Rang des Ministres Residens.

customary to grant them the full privileges of exterritoriality. Thus the plenipotentiaries of the Zollverein, which the German states of the Union send to each other, are indeed freed from the jurisdiction of the state where they reside, but they are subject to the municipal and other taxes.*

It is difficult, however, to lay down the law with much certainty in this matter, for the German states are nearly always making some new regulation.

The envoys sent by the emperors of Germany to assist at negotiations for peace, &c., frequently received the title of commissioners.†

Deputies. Deputies sent by a union of States (such as the cantons of Switzerland, or the smaller states of Germany), to a congress, or a foreign sovereign, have usually been admitted to possess the rights and privileges of diplomatic envoys; and are treated as belonging to the first or second class, according to circumstances.‡

De Martens says, however, that the title of deputy "seul ne leur donne ni leur ôte les prérogatives de ministre, ils peuvent être ministres (du premier?) du second ou du troisième ordre," (v. ii. p. 57). Baron Ch. de Martens says, also, in the Guide Diplomatique (tom. i. p. 46), "Ces utres ne peuvent ni leur donner ni leur enlever

* See Heffter, p. 363.

† See Klüber, Bd. i. s. 276; Ahnert, part i. p. 56; G. F. de Martens, Précis, &c., tom. ii. p. 57, &c.

‡ Compare Breuning, diss. num mandatarius gentis pacis caussa missus ipso jure sit legatus?

les prérogatives et les immunités de ministres ; ils jouissent ordinairement de celles accordées aux ministres du second ou troisième ordre. Tout depend au surplus de la question de savoir, jusqu'à quel point leur constituant a pu et voulu leur attribuer un caractère ministeriel."

Agents for the private affairs of a sovereign, or state, cannot lay claim to the rights and privileges of diplomatic agents, and this, notwithstanding any title with which they may be invested. It usually happens, however, that such persons receive from courtesy, those privileges which they are not entitled to demand by right; and they are sometimes exempted both from the taxes and jurisdiction of the country. These cases are, however, only to be looked upon as exceptions from the rule here cited. If such agents, also, should at any time be entrusted with the conduct of public business, they acquire certain limited diplomatic rights in the same manner as commissioners under similar circumstances. With this object they are, therefore, usually invested with the title of resident, or councillor of legation.* Private Agents.

It is obvious that secret agents (émissaires cachés ou secrets) sent on political business to any foreign state, without the knowledge and concurrence of the foreign government, can in no case lay claim to the rights and privileges of the diplomatic character, if they subsequently avow their objects, or are detected. Such agents or Secret Agents.

* Compare Ahnert, Schmelzing, Klüber, Schmalz, G. F. de Martens, and Heffter on this subject.

emissaries, indeed, may be lawfully arrested or punished, according to circumstances.

Moser (Versuch, &c., Th. iv. s. 45, 417) cites the case of the Marquis de la Chétardie, who was expelled from St. Petersburg (1744), in support of this. The well-known instance of the Chevalier D'Eon, who was also sent by the French government to St. Petersburg, in the time of Louis XIV., may be likewise adduced; and Bielefeld; de Montgon, Schmelzing, Klüber, and Reumont are all agreed upon this question. The Baron Charles de Martens (Guide Diplomatique, tom. i. p. 38,) says distinctly — "Quant aux émissaires secrets que les Gouvernements envoient quelquefois au dehors pour affaires politiques, mais à l'insu du gouvernement étranger, celui-ci n'étant nullement obligé de les souffrir, est en droit de les renvoyer de son territoire; et s'ils se rendent coupables d'espionnage de les punir selon toute la rigueur des lois."

Nevertheless, in state affairs of great weight and importance, it has been frequently the practice to send secret negotiators (envoyés confidentiels, négociateurs secrets) to foreign sovereigns, or their ministers. Such agents have either altogether renounced the diplomatic character, or availed themselves of it only when it was useful to the progress of their business, or at a favourable crisis. Several examples of this kind may be readily cited. In 1725, the Duke de Ripperda was sent from Madrid to Vienna, but only publicly declared his diplomatic mission after the

conclusion of peace. Moser and C. de Martens both mention him. It is said, also, that the peace of Munster, concluded in 1648, was brought about altogether by a secret and trusted agent of Duke Maximilian of Bavaria, who was sent to Paris and privately arranged the whole matter with Cardinal Mazarin, while the crowd of ordinary diplomatists were making confusion worse confounded as usual. De Callières (Manière de Négocier avec les Souverains, ch. vi.) is worth consulting on this subject, and so is de Bielefeld (Institutions Politiques, tom. ii. p. 176.)

It is clearly laid down by Ahnert, Schmelzing, Klüber, and de Martens, that the persons of this latter class of envoys are inviolable, because their business and character must be known to the government with which they are negotiating. They are not, however, of course, entitled to any ambassadorial honours or other privileges.

It sometimes happens that a person is sent to a foreign court on political business, but without any specific diplomatic character; though there is no secrecy whatever as to the nature of his mission. This may arise in consequence of the previous rupture of diplomatic relations between the two courts, or from some other reason. In such cases the envoy will usually be accorded the same privileges as those granted to the private negotiators (envoyés confidentiels) above mentioned.*

* See Moser, Versuch, &c., Th. iv. s. 576 and 602; de Bielefeld, Inst. Pol., tom. ii. pp. 278-284; Klüber, Bd. i. s. 278; and G. F. de Martens, Précis, &c., tom. ii. p. 140-41.

CHAPTER IX.

Right of Sovereigns to appoint Ambassadors.—Right of Republics.—The Electoral Princes of Germany.—The Princes of the Empire.—The Grand-Master of the Knights of Malta.—American Embassy to Russia.—Russian Embassy to Persia.—Remarkable Anecdote.—Great Britain and Hanover—Choice of Ambassadors.—Refusal to receive an Ambassador.—Age of Ambassadors.—Female Diplomatists.—Religion.—Nobility.

Right of Sovereigns to appoint Ambassadors.

EVERY sovereign has the right to appoint an ambassador of whatever rank he pleases. As, however, the honours to which an ambassador is entitled depend on the rank to which he belongs; as also the ceremonial usages of various courts differ materially; and as every sovereign has an undoubted right to decide on the honours to be accorded to ambassadors at his court; the principle above cited is necessarily subject to certain restrictions. Sometimes, indeed, the general right of a state to send ambassadors may be acknowledged, while it is disputed whether she has a right to send ambassadors of the first, or even the second class.*

Emperors, kings, and rulers of royal rank, such as the pope in his character of temporal

* Compare J. Schmelzing, Th. ii. s. 146, 147; Klüber, Bd. i. s. 296, 297; also the Précis du Droit des Gens Modernes, tom. ii. p. 58—61; and the Guide Diplomatique, tom. i. p. 32, 33.

sovereign, certainly possess this right. Neither is it denied to large republics, for we meet frequent instances in history of ambassadors of the first class, sent by the United States of the Netherlands, Venice, and the Swiss cantons. The Swiss Confederation still retains the right of sending ambassadors of the first class, but it is not conceded to the cantons separately. The same with the United States of North America. Right of Republics.

The electoral princes of Germany had formerly the right of sending ambassadors of the first class to the imperial court during the election and coronation of the emperors; and at all times to the Assembly of the States of the Empire, or to each other; as well as to congresses. On other occasions, however, their right was sometimes disputed. The Electoral Princes of Germany.

The ancient princes of the empire also laid claim to the right of appointing ambassadors of the first class, but were never able to establish it. Both they and the other states* of the empire, as well as the smaller European states generally, were only as a rule allowed to send ambassadors of the second or third class. Nevertheless, this right was sometimes granted to the independent princes of Italy, especially in cases of relationship or friendship. It was also granted by some courts to the republic of Genoa and the grand-master of the Knights of Malta. The right of the latter was indeed formally recognised The Princes of the Empire. The Knights of Malta.

* See Moser, von dem Gesandschaftsrechte der Grafen; also, Jo. Kulpis, Diss. de Legationibus Statuum Imperii.

by the pope in 1747, and by the Emperor of Germany in 1749. Heffter very properly rejects the doctrine that the right of sending ambassadors of the first class belongs only to emperors and kings, as altogether contrary to historical truth.

Sovereigns who are not of royal rank, small republics, and semi-sovereign states have not the right of sending ambassadors of the first class to the courts of kings. They have, however, undoubtedly the right to do so among each other.

When a sovereign refuses to receive an ambassador of the first class from any state, it is the universal custom for him not to send one.*

Sovereigns who possess the uncontested power of sending ambassadors of every rank, may of course exercise it in any way they please; but the ambassadors exchanged between courts are usually of the same rank. This rule, however, is not without exceptions; an ambassador may also be promoted to a higher, or removed to a lower rank, during his mission. In 1756, the Venetian minister at Constantinople (the Chevalier *Dohna*) was invested with the rank of an ambassador extraordinary in order to present certain gifts from the republic to the sultan; and in that character he was admitted to an audience with his highness. In 1763, also, Count von Rosenberg, the Emperor of Germany's minister at the court of Spain, was raised to the rank of ambassador at a special audience with the king, on account of the great

* See Klüber, Martens, and Schmelzing.

satisfaction of both courts at the manner in which he had conducted the negotiations for the betrothal of the Archduke Peter Leopold with the Infanta Maria Louisa. In 1765, also, the envoy of the Elector of Bavaria at Vienna took the rank of ambassador on the marriage of a Bavarian princess with the King of Rome, but did not retain that rank after the marriage ceremonies were concluded.

Until very recently, the great powers of Europe were accustomed to exchange ambassadors of the first class. This was especially the case between Austria, Russia, France, and Great Britain, while Prussia only accredited envoys of the second class. Spain and the Porte generally sent ambassadors of the first class, but not always. The great catholic powers also usually sent ambassadors of the first class to the court of Rome. Nevertheless, it sometimes happened that the pope sent a legate or nuncio to a foreign court, which was only represented at Rome by an envoy of the second class.

On occasions of ceremony, such as royal marriages, exchange of presents, &c., it was formerly usual for the great powers to send ambassadors of the first class. Thus, in 1818, Mr. Campbell was sent as American ambassador to Russia, with certain presents from the President of the United States to the Emperor Alexander. In 1817, also, General Yermaloff was sent as ambassador from Russia to the Shah of Persia. His mission was stated to be that of bearing some

American Embassy to Russia.

Russian Embassy to Persia.

very considerable presents to the shah, and also to be connected with commercial and scientific objects; but there is little doubt that it was really part of the tortuous policy by which Russia is gradually endeavouring to undermine the interests of Great Britain in India and the East.

The practice of sending ambassadors of the first class has now, however, fallen off very much everywhere. By an act of congress passed by the United States of North America, in 1815, it was decided that ministers plenipotentiary should only be sent by them to London, Paris, St. Petersburg, and Berlin, while at every other court they only retained a chargé d'affaires. This prudent and economical arrangement has been silently followed very generally, *in practice*, by every state but France and Great Britain. The appointment of a chargé d'affaires (*ad interim*) prevents any sacrifice of dignity on such occasions; because it is understood that an envoy of a higher class will be sent immediately circumstances require his presence.

There appears no doubt that the diplomatic service is very much overgrown; that it is often a useless pageant, or a mere tinselled delusion. I venture respectfully to submit, therefore, that it is impossible to advocate too energetically the nomination of chargés d'affaires (*ad interim*) on all ordinary occasions.

A sovereign who possesses the full right of legation may send several ambassadors to the same court, either of like or of different rank;

each may be entrusted with separate affairs, or all may be employed upon the same.* Under ordinary circumstances, one ambassador is usually held sufficient; but in congresses, or negotiations for peace, it is sometimes thought prudent to send several. Cardinal Richelieu was accustomed not only to employ several negotiators on the same business, but entrusted each only with his own part of the business. Perhaps, also, considering the strange things which public men were apt to do in those days, he employed one ambassador to look after the other, a practice which Lord John Russell's recent mission to Vienna would seem to prove is not yet entirely discontinued.

Several examples occur, however, of serious difficulties having been raised by foreign courts respecting the unexpected appearance of too many ambassadors at the same time and of the same nation. One of the emperors of Germany bluntly refused the electors permission to send him more than one envoy at a time. At the peace of Nimuegen, and at the election of the Emperor of Germany, in 1741, several states refused also to acknowledge the second ambassadors of the electors. The point appears to have been carried, however, at last, though France yielded with a very ill grace, and with the contemptuous reservation, "Only for this once."

* V. St. Doletti, lib. unus de Officio Legati, &c. (Lugduni, 1541), "etsi plures mittantur legati, unus tamen legationi præficiendus;" a rule, however, subject to many exceptions; see also Lettres, Mémoires, et Négociations du Chevalier d'Eon de Beaumont, p. 101; Wicquefort, Schmalz, Klüber, and Martens.

Remarkable Anecdote.

Nevertheless a certain king of Sardinia, who flourished in 1774, had such a weakness for ambassadors, that *he quarrelled with the Republic of Venice for sturdily refusing to send* him *two* (!) on a mission of congratulation at his accession to the throne. The king felt really sore on the subject, from an odd notion that the appointment of only one ambassador to do him honour was an affront to his dignity, because other crowned heads were usually troubled with two on similar occasions. The Republic of Venice, however, appears rather to have enjoyed the joke; and the end of it was, that she sent him no ambassador at all, and diplomatic relations were broken off on both sides.

Sometimes, several ambassadors have been sent to the same monarch, when he has been the king of two or more distinct countries; and the rank of ambassadors so appointed has been regulated according to the importance of such countries. Thus, it was formerly the custom of many princes to send two envoys to the court of the King of Great Britain—namely, one to him as sovereign of the British Islands, and one as Elector of Hanover. The estates of the German empire also sent two ambassadors to the Imperial court, one of whom was deputed to attend to foreign affairs, and the other to the internal affairs of the empire.*

Great Britain and Hanover.

Also, in recent times, one ambassador has been

* See G. F. de Martens, Précis du Droit des Gens (nouv. ed. 1831), tom. ii. p. 61.

frequently accredited to several courts; and this has been especially the case with the German Confederation: and, indeed, there are examples of a single ambassador being accredited by several independent sovereigns to the same court. This occurred also frequently in former times among the estates of the German empire.*

With respect to the choice of an ambassador, all states are free to appoint any person they please,† unless bound by special treaty to the contrary. Choice of Ambassadors.

An exception to this rule was, however, anciently found in a right possessed by the emperors of Germany and the kings of France and Spain, who only bound themselves to receive such nuncios from the pope, as were agreeable to them in every respect.‡

It may be laid down as a rule that neither birth, rank, nationality, age, religion, or sex can form any valid ground of objection to an ambassador.§

In any case a sovereign may refuse to receive an ambassador who is personally objectionable, no matter from what cause; or if some particular law of the land forbids his reception in that character; or if he has been known to entertain Refusal to receive an Ambassador

* See Martens, Précis, &c., vol. ii. p. 338; also the Guide Diplomatique, tom. i. p. 35, and Klüber, vol. i. p. 299.

† Compare De Bielefeld, v. ii. p. 177, and Schmelzing, Th. ii. s. 151.

‡ See Häberlin, Römisches conclave, &c., p. 23.

§ See Schmalz, p. 87, and G. F. de Martens, tom. ii. p. 62.

hostile feelings.* It is usual for a sovereign who refuses to receive an ambassador to state the grounds of his refusal. This has, however, sometimes been a delicate matter; and sometimes the grounds of refusal have been altogether frivolous. Thus, in 1757, the Court of Sweden refused to receive the British ambassador (Goderich), because he had paid a visit to a prince at war with Sweden subsequent to the date of his appointment.†

To avoid disputes of this kind, a regular list of persons has often been submitted to a quarrelsome court, with a request to choose the person most agreeable to it.‡

Sometimes, also, a sovereign makes special application for the appointment of a particular person to his court, or he expresses a wish that an ambassador who is about to be recalled may be still retained there. These instances are numerous, both in ancient and modern times.

The choice of an ambassador should be determined chiefly by the court to which he is to be sent, and the nature of his mission there. The same man is seldom fit for all kinds of business in all countries, nor is the same man often a fit and proper person to be sent to every court. Nothing also is more prejudicial to the success of any negotiations whatever than the choice of a

* See Schmalz, Schmelzing, Klüber, Martens, and Heffter.

† See De Wicquefort, l'Ambassadeur, &c., lib. i. p. 13, the Mémoires of the Comte d'Estrades, &c., tom. i. pp. 237, 263, with Schlötzer, Staatsanzeigen, iv. s. 458, for further examples.

‡ Vide De Bielefeld, vol. ii. p. 178; also Moser and de Martens (Précis, &c.) in several places.

wrong man to conduct them. It is idle to burthen a fop or a trifler with the weighty affairs which may be managed easily by the strong, safe intellect of a wise man. We should fit our servants to their places; for mournful experience enough should have convinced the world, at last, that all men are not born with the sense and prudence of successful negotiators.*

I would venture to assert that, perhaps, there is no position among mankind which requires a clearer and a sounder mind than that of a diplomatist. The most unexpected events are constantly arising, even at the smallest courts, which require delicate handling; while occasions, which a keen observer might turn to precious account for restoring the peace or assuring the interests of the world, pass unnoticed or unemployed by a person of lower and more ordinary capacity.

Many states have adopted the principle of refusing to receive any of their own subjects as ambassador of a foreign power. This rule was first established by the French kings.† It was followed by Sweden, the united States of the Netherlands, and by Napoleon I. In 1816, the German Diet also adopted the resolution of refusing to receive as ambassador any individual who stood *in nexu civico* to the city of Frankfurt, except as representative of that city.

In any case, a subject must first receive

* See De Callières, ch. xxi; Martens, Guide Diplomatique, tom. i. p. 35.

† See De Callières, ch. vi.

permission from his sovereign before he can be accredited as ambassador from a foreign court to his own government. This permission is generally refused; but there are, nevertheless, some recent examples to the contrary.

Age of Ambassadors.

The age of an ambassador cannot be urged as a valid objection to his appointment. Of this an odd example is furnished in the "Histoire des Anciens Traités," &c., par Barbeyrac, p. 11, art. xxxi. (Traité de Paix entre le même Empereur Marc Auréle Antonin et les Quades, peuple de l'ancienne Germanie, année 174 depuis Jesus Christ ou environ):—

"La guerre contre les peuples de l'ancienne Germanie, malgré les victoires que l'Empereur Marc Auréle Antonin y avoit remportées, étoit telle, qu'il devoit souhaiter d'y mettre fin de quelque manière. Il y avoit perdu beaucoup de monde, et des personnes même distinguées. On le pressoit de revenir à Rome. Ainsi, quelque infidèles qu'il eût trouvé ces peuples dans divers traités faits avec eux, il se résolut à en faire de nouveaux. Il étoit alors dans la Pannonie, et il lui venoit des ambassades de la part de plusieurs peuples barbares. Les uns demandoient de traiter alliance avec lui; Dion Cassius ne les nomme pas, il dit seulement que le chef de cette ambassades étoit un enfant de douze ans, nommé Battaire. L'Empereur leur donna de l'argent, c'est tout ce que nous savons du traité." *

* See Dumont's Collection of Treaties, augmented and arranged by Rousset.

It has, however, been much more frequent to see ambassadors appointed or retained at their posts long after they have reached the last drivelling stage of dotage and imbecility. It would be hard to say at what age a man is best fitted to perform the duties of an ambassador. Men differ very much, but he who is not wise in middle life will seldom improve materially afterwards. There is, undeniably, great advantage in possessing a certain experience in affairs, and a young man, however distinguished by his abilities, has seldom the habits of business which belong to riper years. A man may be also laborious and experienced, and yet wholly incapable of conducting a delicate negotiation. The peculiar functions of diplomacy especially require tact and quickness of comprehension — a popular and attractive manner without frivolity is inestimable.

Among the Romans certain laws were made to fix the age at which persons could be appointed to the chief offices of state, and we all remember Cicero's boast on this subject. But it is a great question whether they were in the right. Pitt, Fox, Palmerston, most of the notabilities of the first French Revolution, were all early distinguished and in power. It would be, however, a difficult point to decide at what period the intellect of a man has attained its full development without losing any of its strength. It is possible to be so experienced as to become a mere timid formalist, and too much thought is almost as likely to lead

astray as too little, though not perhaps in the same direction.

Kölle says very sensibly, that old diplomatists are often subtle and inconsistent in business, for that diplomacy, in the end, has a bad effect on their private character. That men of strong minds, however, may constantly grow wiser during all the changes and chances of half a century, we have examples numerous enough to prove. Stand forth, shades of Andréas Italinsky and Sir Robert Liston! Arise, shadows of Oxenstiern, Tott, and Sparre, to confound the ribald youngsters who insult grey hairs, and let the august renown of living Palmerston abash them into silence.

Female Diplomatists.

It is sufficiently obvious that the business of nations should generally be entrusted to men. The diplomacy of women is very much like that of eunuchs: it is false and dangerous; ultimate good seldom comes of it. Women are good as councillors, but bad as actors. Perhaps no negotiation has ever been perfected since the creation of the world without their interference and advice; but they are best kept out of sight. Their judgment is shrewd and clear on any abstract question submitted to them; but their own conduct is always too much influenced by personal feelings to render their entire management of affairs either proper or expedient.

Nevertheless, the instances in history where ladies have been employed in diplomatic missions are numerous and well established. French women have, perhaps, really played a larger part

in diplomacy than French men. This is, perhaps, the reason that the diplomacy of France has seldom possessed the character of openness and fair dealing, till the accession of the present emperor (Napoleon III.), who has effected quite a healthy revolution in this respect.

Ladies have even been sometimes formally invested with the ambassadorial character. For more than half a century all Europe believed the Chevalier d'Eon to be a woman. After his death, however, this was discovered to be an error. That remarkable personage was at first a French secret emissary at St. Petersburg, but subsequently was named secretary of embassy and minister plenipotentiary at the Court of St. James. He died in London, May 21, 1810.

De Wicquefort very wisely observes: "On peut dire, que la Reine Eléonore de France et Marie, Reine d'Hongrie étoient ambassadrices; celle-ci de l'Empereur Charles V. et celle-là du Roi François I. lorsqu'en l'an 1537 elles s'assemblèrent à Bommy, pour y traiter d'une paix, qui enfin n'aboutit qu'à une trève de trois mois."

And he adds: "Marguérite, Duchesse veuve de Savoye, tante de Charles d'Autriche, depuis Empereur, assistée de Matthieu Langen, depuis Cardinal, conclut en l'an 1508 à Cambray* un traité avec le Cardinal d'Amboise contre la république de Vénise, pour l'obliger à restituer les places, qu'elle retenoit au Pape, à l'Empire et à Louis XII. comme

* The Treaty of Cambray went by the soubriquet of the Women's Treaty (Traité des Femmes): see De Real.

Duc de Milan : de sorte que l'on peut dire, qu'elle y étoit ambassadrice de l'Empereur Maximilien, son père.

"Une autre Marguérite, sœur de François I., veuve du Duc d'Alençon, fut envoyée en Espagne en l'an 1525 par la Régente de France, sa mère, et fit à Madrid les prémières propositions touchant la liberté du Roi son frère, avec l'Archevêque d'Embrun, etc. si bien, que l'on ne peut nier, qu'elle n'ait été ambassadrice quoi qu'elle n'en eût pas la qualité," etc.

These ladies, however, perhaps can scarcely be called ambassadresses in the strict sense of the term.

De Real cites rather an extraordinary instance of a lady ambassadress; for he tells us that a king of Persia once sent a lady as ambassadress to the Grand Sultan. He does not, however, gratify a pardonable curiosity by informing us whether the business transacted by this lady, on her arrival, was of an unusually delicate nature, or otherwise.

Two clearly-authenticated cases of accredited lady diplomatists are, however, only allowed to be incontestably established : the first is, that of the widow of the French Marshal de Guebriant, of whom de Wicquefort says: "Il n'y a que la Maréchall de Guebriant, à qui le caractère d'ambassadrice fut donné en l'an 1646 afin qu'elle parut avec plus de lustre à la conduite de l'incomparable Princesse, Marie Louise de Mantoue, épouse d'Uladislas, Roi de Pologne. C'est le

seul exemple, que l'on ait eu jusques ici. M. de Laboureur, qui a fait un assez gros volume du voyage de cette reine, y marque des particularités fort considérables des honneurs, que la Maréchale se voulut faire rendre par la reine, laquelle avoit ordre de conduire et de ceux, qu'on lui rendit in effet, tant à la suite de cette princesse, qu'à son retour, en Hongrie, en Allemagne et en Italie, où elle voulut faire paroître son caractère. Mais je ne me souviens point d'y avoir lû l'insolence, qu'elle eût en Pologne, de prétendre le même traitement, et les mêmes honneurs, que l'on y avait autrefois faits à l'Archiduchesse, mère de la reine défunte, lors qu'elle y conduisit sa fille. J'ai eu l'occasion de parler fort souvent à Madame de Guebriant. Elle avoit de l'esprit, mais pas tant qu'elle s'en faisoit accroire, et de très grandes foiblesses. L'on ne peut nier, que ce ne soit contre la dignité d'un Roi, que de se faire représenter par une femme. Si Louis XIV. eut été en age, il en auroit usé autrement."

Respecting the diplomatic performances of this lady, Amelot de la Houssaye has also the following authentic details; and it must be at least allowed that the mission on which she was employed was of so excitable a character, that few men of ordinary endowments would have been able to perform it with the necessary coolness and sagacity:—

"Ce qu'elle fit en Pologne en 1645 où elle conduisit la Reine Marie-Louise de Mantoue, est une preuve authentique de son habilité. Car à son

arrivée à Varsovie, où elle croioit n'avoir autre chose à faire, qu'à mettre la Reine au lit avec Uladislas, son mari, elle trouva ce Roi si prévenu de certains bruits, qui couroient et si envenimé par les lettres du Marquis de Boisdaufin, fils-ainé de la fameuse Marquise de Sablé, qu'il vouloit à toute force renvoier sa femme en France. Une affaire de plaisir en devint une d'état: les charmes de la Reine, qui étoit alors la plus belle princesse de l'Europe, ne servoient qu'à augmenter les soupçons du Roi. Ce qui le devoit enflammer étoit ce qui le glaçoit, à causes des nouvelles qu'on lui avoit mandées. Bien en prit à la Reine d'être accompagnée de la Maréchale, qui montra dans cette rencontre inprévue une superiorité d'esprit, à laquelle Uladislas ne put résister long-temps. De sorte que cédant à la force de la raison, de la bienséance et de la politique, il consomma son mariage avec la princesse; et que, pour témoigner la haute estime, qu'il faisoit de la personne de l'ambassadrice, il déclara, que son intention étoit qu'on lui fit tous les mêmes honneurs, qui avoient rendus à l'Archiduchesse d'Inspruck Claude de Medicis en 1637, lors qu'elle amena à Varsovie la Reine Cécile, fille de l'Empereur Ferdinand II., première femme d'Uladislas.

"La cause de la haine que Boisdaufin portoit à la Reine Marie étoit qu'elle avoit dégoûté de lui la dame de Choisy, sa confidante, dont il étoit éperdument amoureux.

"La Maréchale mourut en 1659 pendant la négociation de la paix des Pyrénées. Elle étoit

nommée pour être première Dame d'honneur de la Reine Infante Marie-Thérèse."

The next authenticated case of a lady diplomatist is that of the famous and beautiful Countess of Königsmark, the mistress of Augustus II., King of Poland, and one of the most celebrated heroines of history. It is delightful to read Voltaire's account of her mission to bluff Charles the Twelfth. It appears that Augustus was so harassed by his subjects on the one hand, and by the armies of Charles on the other, that he was willing to barter even the charms of his mistress for the chance of a dishonourable peace. Voltaire, who tells the story with a pungency and salt peculiarly his own, thus describes her mission and its results:—

"Auguste aima mieux alors recevoir des lois dures de son vainqueur, que de ses sujets. Il se détermina à demander la paix au Roi de Suède, et voulut entamer avec lui un traité secret. Il falloit cacher cette démarche au Senat, qu'il régardoit comme un ennemi encore plus intraitable. L'affaire étoit délicate, il s'en réposa sur la Comtesse de Koenigsmark, Suédoise d'une grande naissance, à laquelle il étoit alors attaché. Cette femme célèbre dans le monde par son esprit et par sa beauté, étoit plus capable qu'aucun ministre de faire réussir une négociation. De plus, comme elle avoit du bien dans les états de Charles XII., et qu'elle avoit été long-temps à sa Cour, elle avoit un prétexte plausible d'aller trouver ce prince. Elle vint donc au camp des

Suédois en Lithuanie et s'adressa d'abord au comte Piper, qui lui promit trop légèrement une audience de son maître. La comtesse parmi les perfections, qui la rendoient une des plus amiables personnes de l'Europe, avoit le talent singulier de parler les langues de plusieurs pays, qu'elle n'avoit jamais vus, avec autant de délicatesse, que si elle y étoit née: elle s'amusoit même quelque fois à faire des vers françois, qu'on eût pris pour être d'une personne née à Versailles.—Tant d'esprit et d'agrémens étoient perdus auprès d'un homme tel que le Roi de Suède. Il refusa constamment de la voir. Elle prit le parti de se trouver sur son chemin, dans les fréquentes promenades, qu'il faisoit à cheval. Effectivement elle le rencontra un jour dans un sentier fort étroit: elle descendit de carosse, dès qu'elle l'aperçut. Le Roi la salua, sans lui dire un seul mot, tourna la bride de son cheval et s'en retourna dans l'instant; de sorte que la Comtesse de Koenigsmark ne remporta de son voyage que la satisfaction de pouvoir croire que le Roi de Suède ne rédoutoit qu'elle."—*Hist. Charles XII.* v. i. p. 80.*

Réal is of opinion that the Countess Königsmark cannot be considered as an ambassadress, because she had neither the rank nor the credentials of such a character. Neither was she received by the King of Sweden; either because she was not furnished with full powers, or because he did not think proper to negotiate with her. The latter reason, however, can scarcely be

* See also Jargou, Von den Regalien, &c., Bd. i. cap. xi. § 1.

adduced in support of this opinion; for there are numerous instances of ambassadors who have never been received. De Réal* does not seem to be warranted at all, by the memoirs and books of the period, in his assertion that she was not furnished with credentials.

The religion of an ambassador has but seldom been made a ground of refusal to receive him. Nevertheless, Roman Catholic states have sometimes refused to receive any but Roman Catholic ambassadors. Such an act of intolerance, however, could hardly occur in our times without calling down the general censure of Europe. Religion.

No court would either think in our times of refusing to receive an ambassador of plebeian origin, as once occurred in Spain.† But when the President Pierre Jeannin was sent by Henry IV. to Philip II., the latter asked him, in his first audience, "Etes vous gentilhomme?" Nobility.

"Oui," replied the President tersely, "si Adam l'était."

"De qui êtes-vous fils?" then demanded the curious monarch.

The reply of the President has happily descended to our times, and it is the most dignified and graceful reproof on record. "De mes vertus, sire," answered the man, whose name, after the lapse of ages, is still familiar to all the scholars and historians of Europe. If there was something too much of self-assertion in this, the rude-

* Vide La Science du Gouvernement, &c., tom. v. p. 11.

† Vide Schmelzing, Th. xi. p. 152.

ness of the king most fully justified it. The story, upon the whole, puts us rather in mind of the reply told of a certain wit to a musical diplomatist, who has survived him.

"He forgot I was a peer," mumbled out the one, with revolting and ridiculous pride.

"Pshaw! my lord," returned the caustic scholar; "you are a peer, but he is of the stuff from which peers are made."

The British lord was angry; but it is said that the Spanish king sought opportunities of distinguishing the man who had dared to reply to insult from high places with wit and irony.*

Even in the middle ages also, and the story of the President Jeannin, notwithstanding the prejudice in favour of aristocratic diplomatists, was never so strong as at this time in England. Thus Rubens, the painter, served the King of Spain on two separate embassies; and when the imperial minister at Vienna, in 1676, was so mad as to refuse the title of Excellency, and the right of precedence, to the electoral representatives who were not noble, the Elector of Brandenburg declared, "Quod sibi magis dexteritas legatorum quam natales sint respiciendi."†

There have been also occasions when the overgrown rank of an ambassador has been of serious disadvantage to the interests of his sovereign. For instance, when the Duc de Longueville was

* See Lettres et Négociations du Chevalier d'Eon, tom. i. p. 65.

† See Pufendorf ver. Crandenburg. lib. xiv. c. lvii., and Klüber, vol. i. p. 304.

sent to take part in the negotiations for peace at Münster, he displayed so much arrogance and pretension, that his colleagues would have nothing whatever to do with him. Also, when the Papal nuncio and the Venetian ambassador entreated the French king to send a plenipotentiary to the Congress of Cologne, that monarch testily replied, that "there was not a man in his dominions whom he could employ on such a business; for the greater part of the nobles, who wore swords, followed altogether their own caprices, without paying the smallest respect to his orders."*

There are some special rules, however, with respect to the rank of ambassadors. The Principal-Commissarius of the Emperor at the Assembly of the States of Germany was formerly always a prince; and all foreign envoys who attended the ceremony of investiture were required to be of baronial or knightly rank. Priests and *doctors of law*,† soldiers of fortune, or adventurers who had raised themselves to some consideration by their abilities, were the persons most frequently sent on embassies in former times. I remember even recently to have met a diplomatist, glittering with decorations, who began life as a groom.‡ Mericos, however, tells us (vol. i. p. 148) that it would be considered the height of discourtesy to send an uneducated or low-born person to a foreign court.

* See Ahnert, part i. p. 27.

† When Latin was the language of diplomacy.

‡ See also Lord Carlisle's Diary in Turkish and Greek Waters, written partly at Vienna.

Nevertheless, Cardinal D'Ossat did not even know the name of his grandfather, and was yet the trusted friend of Henry the Great; while Louis XI., the craftiest of princes, sent his barber, Olivier Daim, as ambassador to the Netherlands.*

* Compare also Schmalz and Ahnert.

CHAPTER X.

Credentials.—Official Letters.—Passports.—Safe Conducts in Time of War.—How far Nations are bound by the Acts of Ambassadors.—Full Powers.—Diets and Congresses.—The Hanse Towns.—Instructions.

WHEN an ambassador is sent to a foreign court he is required to present his credentials (creditiv, lettres de créance, litteræ credentiales) before he can enter on the business of his mission. In these credentials his name and character is declared by the government sending him; and the foreign court is therein requested to give full credence to his official statements and explanations.* Credentials.

Credentials are usually prepared in duplicate. An envoy delivers the sealed original to the sovereign to whom he is accredited, and the open authenticated copy serves as his authority towards the secretary of state or the minister of foreign affairs, to whom he shows the said copy before he is permitted to present the original.

If the credentials are sent open, or sub sigillo volante, the original must be exhibited to the

* Compare De Callières, ch. xi.; Ahnert, Th. i. s. 113; Schmelzing, Th. ii. s. 161; also de Martens, Précis du Droit des Gens Moderne, tom. ii. p. 65, and Baron Ch. de Martens, Guide Diplomatique, tom. i. p. 48.

secretary of foreign affairs; because it is necessary that he should be able to vouch that its purport is inoffensive before officially introducing the envoy to his sovereign. French ambassadors formerly* received two documents, the one entitled a "Lettre de Cachet, or de Chancellerie," and the other a "Lettre de la Main."

When two ambassadors of the same class and nation are sent to the same court together, one letter of credence is held sufficient for both; but when one envoy is accredited to several courts, he receives separate credentials for each court. The same rule obtains when he is accredited to one sovereign in different capacities.†

The diplomatic agents of the pope are usually provided with bulls as credentials.

The ambassadors to the Porte are furnished, not only with credentials for the sultan, but with letters both for the grand vizier and the reis-effendi, or chief of the department of foreign affairs. That addressed to the grand vizier is frequently an autograph letter of the sovereign, or one signed by him; while that addressed to the reis-effendi is merely an ordinary official document signed by the minister.‡

Letters of credence are usually now written in as few words as possible; formerly it was customary to have them drawn up in Latin.§

* See Reumont, pp. 459—461; Schmelzing, part ii. p. 161; Klüber, vol. i. p. 316; and De Callières, ch. xi.

† See Beck, Versuch einer Staats-Praxis, buch v. s. 240.

‡ C. de Martens, vol. i. p. 49.

§ Vide Stieve on the Ceremonies of European Courts, part iii.

There is a doubt whether an ambassador can be officially received without his credentials, should they have been lost by any untoward accident, or omitted from negligence, or some other cause. Much, however, would depend on circumstances in such a case; for Moser especially mentions an instance which had come to his knowledge, of an ambassador having been sent on a complimentary mission without his credentials, which were to be forwarded after him. Notwithstanding this informality, however, he was received with all the honour of his rank.

An envoy is not officially acknowledged till he has presented his credentials. An envoy sent to a foreign court, without being invested with the diplomatic character, usually presents an official letter, but not a letter of credence.* Sometimes several letters of credence are given to the same envoy without any reference to the circumstances of his mission. Lünig (Theatrum Ceremoniale, part ii. p. 1560) adduces several instances of this custom. Thus, when M. de St. Romain was sent as French ambassador to Switzerland, he was furnished with credentials to all the thirteen cantons, collectively; and with thirteen others, or one set for each canton, separately.† He had also special credentials for the towns of Bienne,

Official Letters.

p. 238; Nettelblatt, Diss. de Forma Litterarum Credentialium Legatorum, cap. ii., iii.; Beck, buch v. pp. 225, 252; and Reumont, p. 458.

* See Beck, buch v. p. 243.

† See Klüber, vol. i. p. 317, and Beck, buch v. p. 240.

Mühlhausen, Geneva, and another for the Abbot of St. Gall.

The Bishop of Marseilles also, who was despatched as French ambassador to Poland in 1674, had numerous credentials. He had letters for the states of the kingdom, the senators, the Generalissimo Sobieski, the grand marshal of the kingdom, the Archbishop of Gnesen, the crown treasurer, the vice-chancellor, and the grand chancellor of Lithuania; besides *twelve* others, the addresses of which were left in blank to be filled up at his own discretion, and presented to particular senators or other persons of influence.

Two years afterwards (1676) the Marquis de Bethune followed the bishop to the same court. He carried credentials for the king, the Princess Lubomirska, Prince Demetrius, Patz the chancellor of Lithuania, Morstein the crown treasurer, Wielopolski the grand Solwicz, Gwenski the vice-chancellor, and Jablonowski the Russian voevode.

M. de Guilleragues was sent as French ambassador to Constantinople with credentials for the sultan, the grand vizier, the kaimacam, the muffti, &c., as well as a letter of recal for his predecessor. M. de la Haye and M. de Nointel were also similarly provided on their embassies to the same place.

The fact is, that in former times, when intercourse with foreign states was extremely rare, it was by no means easy to find out in whose hands the real power of a foreign country might be.

Courts also were usually such miserable scenes of jealousy and intrigue, that the objects of the most important mission might fail utterly, unless some worthless person (whose name was scarcely known beyond the precincts of the palace) were adroitly flattered and conciliated. Diplomacy was then a mere game of tricks and infamies. It was a regular organised system of dishonesty; and even if we read the first Lord Malmesbury's account of his mission to St. Petersburg, we shall almost wonder that gentlemen could still be found even in those days to soil their honour by consenting in any way to be connected with such disgraceful concerns. The whole may be summed up in a single sentence. The projects of sovereigns towards foreign nations were neither righteous or practicable; and the nefarious means which they encouraged their ambassadors to adopt, in utter opposition to all sound statesmanship, would have justly condemned private persons to the gibbet or the galleys.

An ambassador must be furnished with passports to identify himself and his suite on his journey. Passports.

Such passports must be countersigned by the representative of the sovereign to whom he is accredited, at his own court.*

In like manner an ambassador is provided with passports from the court he is leaving on his

* Vide Gregorio Leti, part vi. p. 686 (Passaporti degli Ambassiatori); also Schmelzing, part ii. p. 168; and the Guide Diplomatique, tom. i. pp. 55, 56.

return home, and the refusal of his passports could only be justified by the clearest reasons.

Safe Conduct.

In time of war an ambassador should further receive a safe conduct (sauf-conduit, salvi conductus litteræ) to enable him to travel in safety through the country with which his own nation is at strife.*

Such safe conducts were frequently given formerly to envoys proceeding to a congress.† Long discussions sometimes took place respecting the style and form of these documents, which tended not a little to retard the progress of negotiations.‡

How far Nations are bound by the Acts of their Diplomatic Agents.

It is generally held that a sovereign is only bound by the deed of his envoy, in so far as the latter acts in accordance with the tenor of his instructions. At least, such is the practice of modern times, and instances of disavowal on the part of sovereigns and governments have been frequent. This appears also to be the opinion of Grotius (lib. iii. cap. xxii. s. 4). The old international lawyers, however, had several theories on this subject. Achenwall says, (Diss. Juris Gentium Universalis de Transitu et Admissione Legati ex pacto repetendis, s. 1, 11). "Legatus est subditus a gente cui paret ad aliam gentem

* See De Martens, Causes Célèbres du Droit des Gens, &c., tom i. p. 285; also the Guide Diplomatique, vol. i. p. 56, and Heffter, p. 239.

† See De Callières, ch. xi.; Lünig, Theatrum Ceremoniale, Th. i. p. 789, &c.

‡ See Projet du Médiateur d'un Formulaire pour les Passeports, du 12 Fév. 1697, in the Actes, Mémoires, et Négociations de la Paix de Ryswick, tom. i. p. 305; De Vattel, lib. iii. ch. xvii. &c.

missus ut nomine illius negocium publicum cum hac tractet." — " Gens mittens transtulit in legatum jus, quod sibi competit, negocium publicum cum alia gente tractandi."

Full powers are sometimes general, and sometimes special.* When they are general, they authorise the ambassador to treat on all matters of business which may arise; when they are special, they usually limit his authority to certain particular affairs. The ancient commentators were fond of raising the question, whether general powers might not be construed as authorising an ambassador to enter into negotiations with *every* court (actus ad omnes populos). Full Powers.

Full powers, whether special or general, should state clearly whether the ambassador has the right of appointing a deputy or otherwise. If several persons are empowered to act in some particular business, the powers should set forth whether they are to negotiate separately or in concert.†

The acts of an ambassador are not binding if he has exceeded his powers. Sometimes full powers are unlimited, as in the case of Prince Hardenberg, the Prussian chancellor of state at the congress of Aix-la-Chapelle; an ambassador, however, who acts against the tenor of his private instructions, will of course do so on his own responsibility. The time also is long past when any power could profit by his misconduct.

* Vide Schmelzing, part ii. p. 163; Klüber, vol. i. p. 314; Guide Diplomatique, vol. i. p. 51, &c.

† Vide De Callières, ch. xi.; G. F. de Martens, tom. ii. p. 68.

Full powers are sometimes issued "in forma patente," when they are called full powers in the strict sense of the term; sometimes they are "in forma litterarum," when they are, properly speaking, mere letters of credence.*

Both full powers and credentials are usually given to an ambassador; for although the full powers may be included in the credentials, it has not been the recent practice to unite them in the same document.†

Diets and Congresses.

Ambassadors sent to a diet, congress, or federative assembly, and not to a sovereign, do not receive letters of credence at all. They are authorised to transact business with each other by full powers, certified copies of which are mutually interchanged or handed in to a third party.‡ Ambassadors to the German Diets, however, were formerly provided with credentials, in the same manner as those to the German confederation.§

The ambassadors to Congresses could so seldom conduct themselves with propriety in former times, that we find a singular regulation established at the Peace of Utrecht, and which appears to have been necessary to keep their disputes within the bounds of respectability. They were appointed only as *plenipotentiaries*, with the express condition that they might assume the character of ambassadors extraordinary on affixing their signatures to the treaty of peace. This

* See Klüber, vol. i. p. 315.

† See de Martens, Précis, &c., vol. ii. p. 68.

‡ Vide de Martens, Guide Diplomatique, tom. i. pp. 51, 52.

§ See Baron Ch. de Martens, tom. i. p. 52.

temptation appears to have been strong enough to induce them to show such reluctant courtesy and consideration towards each other, as prevented any public scandal on this occasion,* to the general astonishment of Europe.

With respect to the presentation and examination of full powers at congresses, there was a special regulation made at Vienna, Nov. 1, 1814. By this it was agreed that plenipotentiaries sent to the congress should mutually examine each other's powers, and that they should then be deposited in an office appointed for that purpose in the imperial chancery of state. All persons, therefore, provided with full powers were requested to send them for inspection to the same office. The verification of the powers took place in the presence of three ministers plenipotentiary.†

Letters of recommendation addressed to members of the royal family, ministers, high public functionaries, &c., and which are sometimes given by sovereigns to their ambassadors, must not be confounded with their credentials.‡

Diplomatic agents accredited to the Hanse Towns frequently receive letters of recommendation for the principal magistrates, besides their regular credentials. The Hanse Towns

* See Lünig, Theatrum Ceremoniale Historico-Politicum, Th. i. p. 795.

† See Klüber's Acts of the Congress of Vienna, 1814-15, vol. i. pp. 37, 38, &c.

‡ See Schmelzing, Klüber, Martens, Ahnert, &c. respecting these official letters of recommendation.

Formerly, the deputies from the states of the empire frequently brought letters of recommendation instead of credentials to the court of the emperor.*

Instructions. An ambassador usually receives special instructions previous to his departure, prescribing his behaviour and the general tone he is to adopt in transacting business at the court to which he is accredited.

These instructions are commonly drawn up in writing; sometimes, however, they are delivered verbally. An ambassador frequently receives special instructions, altogether separate from, or even at variance with, his general instructions. Sometimes his instructions are communicated to him at the commencement of his mission; sometimes they are sent to him subsequently, or from time to time, as circumstances arise. In the former case they are included in a special document; in the latter, they usually assume the form of despatches.

Instructions are given to an ambassador for his own exclusive use and information. They are, therefore, privileged; and it would be a violation of the law of nations to compel him to disclose them. He is sometimes, however, furnished with two sets of instructions, one of which he is permitted to show, while the other is to be kept secret. Klüber says (v. i. p. 319) that "a collec-

* See Ickstadt, de Legatorum in Civitatibus Immediatis ac Liberis Residentium Privilegiis et Juribus; also Adv. Kluit, Historiæ Fœderum Belgii Federati, pt. ii. p. 545.

tion of secret instructions would be a treasure for the negotiator and the historian." They would probably, however, show more of the folly of those who drew them up than their wisdom, and would doubtless be a melancholy proof of the revolting duplicity and insincerity which has hitherto been so unaccountably permitted to guide the affairs of the world.

Very full and complete instructions were given to diplomatic agents as early as the fourteenth century. Instances, also, are to be often met with in political history where several courts have agreed with each other respecting the instructions to be given to their ambassadors on certain particular affairs. In 1778 Spain and Portugal conferred together respecting the instructions which were to be given to their ambassadors.*

The instructions of ambassadors generally give them a great deal of latitude. Montaigne says that it was a custom of the Persian princes to bind their agents so closely to the letter of their instructions that they could not transact the smallest business without referring to them. Thus custom caused the most disastrous delay and confusion everywhere. It has been found in all respects more prudent to leave modern diplomatists to act a great deal on their own judgment; and, indeed, their opinions and advice often materially alter the previous views of their own government. There can be no doubt that when an ambassador is a sensible and prudent man,

* See Moser, p. 44.

the less he is harassed by instructions the better. This is obvious, because he is able constantly to watch the progress of affairs, and take advantage of passing circumstances when left reasonably free to act. If his views, therefore, are known to be sound, and he thoroughly understands and appreciates the policy of his own government, he will usually do much better if left to manage the details of his business without interference. On the other hand, if a man is either so weak or ignorant that he cannot be trusted, he should never be employed. It very frequently happens, however, that an ambassador and his own government take altogether different views of the same question. This is a fruitful source of discord and failure. It appears, indeed, impossible that two opinions should exist on any question if governments would consent to act always in a straightforward and honest manner; but if they will not do so, they must either allow a refractory ambassador to dictate to them, or adopt the far more expeditious and prudent plan of dismissing him from a position where he will be able to lead them into ruin and disgrace. No instructions will remedy the mischief; and, indeed, recent examples would go to prove that ambassadors sometimes take a perverse delight in disobeying them.

Polybius gives the following remarkable example of defective instructions:—" Surgens dein Aristænus prætor Achæorum, et ab legato Ptolemæi, et ab iis qui renovando fœderi missi

ab Achæis fuerant, sciscitatur, ecquam societatem renovaturus venerit? Quum responderet nemo, et mutuo sese omnes interrogarent, magna in concilio exorta est dubitatio. Oriebatur autem dubitatio ex eo, quod, quum plura fœdera Achæis cum regibus Ptolemæi majoribus, quæ pro conditione temporum plurimum inter se differrent; neque legatus Ptolemæi ullam distinctionem fecerat, cum fœdus renovabat; sed universe de negotio fuerat locutus: neque etiam illi quos Achæi miserant: verum quasi semel dumtaxat societatem pepigissent, jusjurandum simpliciter nulla adhibita distinctione, et præstiterant ipsi, et acceperant a rege. Itaque promente in medium prætore omnia priora fœdera, et singula distincte expendente, quoniam longe diversa illa erant, volebat multitudo cognoscere, ecquod jam fœdus renovaret. Id vero docere quum neque Philopœmenes posset, qui prætor renovandi fœderis auctor fuerat, neque Lycortas, cæterive legati, Alexandriam iverant; hi quidem temere atque inconsiderate rem gessisse publicam existimati sunt: Aristænus vero opinionem magnam inde retulit, ut qui solus judicio uteretur: ac tandem decretum illud firmari non est passus: sed rem de qua omnes dubitarent, in aliud tempus rejecit."*

Mably (in his "Principes des Négociations," ch. xix.) has some very sensible advice respecting the instructions of ambassadors: and De Callières

* Ex libris historiarum Polybii Megalopolitani Excerpta Legationum, cap. xli. (ed. Amstelodami, 1670, 8vo.) pp. 1182, 1183.

treats the subject with his usual prudence and acumen.

In the instructions given by Frederick Augustus, Elector of Saxony, to his envoys at foreign courts in 1791, there occurs the following passage, which is especially worth study, from the light which it throws on the politics of the German princes at that time.

"Le Système de S. A. Seren. Elect. est de persister invariablement dans les principes une fois adoptés, de vivre autant que possible en bonne intelligence avec toutes les Puissances de l'Europe, de prouver partout la droiture de ses intentions, la justesse de sa marche politique, et la sincérité de ses sentimens, de donner nulle part de justes sujets de méfiance, de contribuer, autant qu'il dépend d'Elle, à la conservation de la tranquillité publique et de la paix générale, de ne songer qu'à la sûreté et à la défense de Ses États et au maintien de la constitution germanique, de ne Se mêler d'aucune affaire qui n'a point de rapport avec ces objets, mais d'observer pour le reste aussi long-temps que possible la plus exacte neutralité, et par conséquent de ne Se lier les mains par aucun Traité formel qui puisse l'entrainer dans les différents étrangers à Ses intérêts, et la détourner des soins qu' Elle donne au Gouvernement de Ses États. L'accession de l'Electeur à l'association germanique n'est absolument pas à regarder comme un abandon de ce système."*

* Vide Pölitz die Regierung Friedrich Augusts, King of Saxony (Leipsig, 1830, 8vo.) part i. p. 239.

The instructions which are to be found in Machiavelli's works* for Rafaello Girolami, ambassador at the court of Charles V., are well deserving of notice here. "Any honest man," say these curious documents, "can discharge a commission faithfully; but there is some difficulty in doing so satisfactorily. An envoy to be successful should be thoroughly acquainted with the character of the prince, and of those who have influence over him. He should so regulate his behaviour as to have constant facilities for obtaining an audience; for the most difficult affairs grow easy to one who has constant access to the ear of the prince.

"Above all, it should be the chief aim of an envoy to acquire respect. This object will be best attained by proving himself to be a man of honour and integrity; by a liberal and frank demeanour; by condescending to nothing either false or mean; by suffering no one to entertain the idea that he is acting against his own convictions. The last point is of great importance. I have known some persons who by their craft and duplicity have so ruined their credit with a prince, that they were never afterwards able to negotiate with him. Though it may sometimes be necessary to mask a purpose with words, it must be done so as not to be discovered, or, if discovered,

* See Istruzione fatta per Niccolò Macchiavelli a Rafaello Girolami, quando ai 23 d'Ottobre parti per Spagna all' Imperatore. They will be found in the Opere de Niccolò Macchiavelli, Segretario e Cittadino Fiorentino, Filadelfia, 1797, 8vo. tom. vi. p. 350, &c.

a defence must be kept ready." (Very Italian this!)

"An envoy may acquire great credit for the correct and early intelligence he may be able to forward to his government; and this may be of a threefold nature: either respecting the progress or success of his negotiations, or of such events as are likely to occur.

"To obtain information with respect to transactions that are once concluded is easy, except in a case where two princes enter into some alliance to the prejudice of a third, as in the league of Cambray between France, the pope, the emperor, and Spain, against Venice. Such treaties even when concluded are carefully concealed, and to discover their purport will exercise both conjecture and sagacity.

"To become well informed respecting negotiations still in progress is, however, incomparably more difficult. Here the shrewdness and penetration of an envoy will be taxed to the utmost. In every court there are nevertheless persons holding confidential employments, and whose ears are ever on the watch for news. It is highly advantageous to make friends with such persons, and to learn from them whatever they may have to communicate.

"As, however, you may often hear more than is true, your judgment must decide on the probability of the news given to you. The reports you have heard also, though perhaps strictly incorrect, may often guide you to the truth on further inquiry;

or you will have the opportunity of expressing your opinions thereon in your despatches, and thus clearing up the doubts of your own government.

"I have known a man, well experienced in the business of diplomacy, who made it his duty every two months, to lay before his own government a complete summary of all the affairs of the kingdom to which he was sent." It is hardly possible to approve too highly of this last suggestion.

The published despatches of our own time show, indeed, that diplomatic writings are numerous enough, but it is astonishingly seldom that they contain really valuable information. In late years the activity of the diplomatic service has been quite alarming; yet, perhaps, never at any period of history were its records so entirely devoid of pith and interest.

CHAPTER XI.

Letter Opening: Swift, Martin Luther, Duclos, St. Simon and Richelieu, Kemmerich.—Anecdotes: Klüber, Cypher, De Callières, the Lacedæmonians, Richelieu, Mazarin.

Letter Opening

COMPLAINTS respecting the unauthorised opening of letters and despatches have been at all times frequent among diplomatists. It is impossible to stigmatise the infamy of such a practice too indignantly, though persons of high repute have been known to practise it with impunity and applause. The art has even been pushed to such shameful perfection that letters and despatches may be opened without apparent injury to the seals. Lucian (Pseud. c. xxi., v. ii., p. 228) actually chronicles a series of experiments on the disgraceful art of opening and resealing letters, so that the felony may not be discovered.

Walsingham, the famous secretary of state to Elizabeth, is said to have stained his honour by misdemeanors of this kind; and he is further stated at last to have become so shameless a scoundrel in this respect as to have invented an art of filching the written confidence of other people without disturbing the fastening of their letters at all.

Swift.

Swift bitterly complains, in one of his letters to

Pope, that his correspondence was not safe from the dishonourable tampering of official hands.

The letters of Martin Luther were opened by some scandalous official rogues, who had subsequently the shocking effrontery to avow the crime and question him as to their contents. Martin Luther.

It appears that several letters had been addressed by Luther to some burghers of Leipsic, on the subject of the religious persecutions they had suffered. These falling into the hands of his enemy, Duke George of Saxony, this improper person feloniously opened them, and rejoicing in the base means he had thus acquired of striking a blow at the defenceless object of his stupid enmity, he falsely accused Luther of a plot to excite disturbances; and his intended victim was summoned by the elector to answer the accusation.

Prior to this also, a letter, *said to have been written* by Luther to Doctor Link, a preacher at Nuremberg, somehow or other came into the hands of Duke George, who immediately published certain unworthy slanders reflecting on the character of the great reformer. Rogues of rank in those days were very fond of having all the publicity on their own side. They liked to indulge in gibes and dull jokes. They were fond of assembling together in organised bands of fashionable calumniators. But they were unprepared to find an obscure scholar, who would dare to flash back the battle and rear his head in haughty and scornful defiance of their manifold

infamies and oppressions. Martin Luther, however, was one of those men who cannot sit down tamely under a wrong: so he very properly couched his pen and attacked these paltry rogues in a treatise, which, though published more than three centuries ago, endures until this day. He has there condemned the name of Duke George of Saxony to the scorn and contempt of all time; and he has taught to rogues of rank a lesson they will hardly forget, that if humble men start in the world without interest or friends, God in his mercy has given them strong brains and fearless hearts; the power to punish unprovoked assault —ay, and the will.

Luther neither denies or admits the authorship of the stolen letter attributed to him; but he treats the subject with a quiet and biting irony peculiarly his own. It is the style of a wise man chastising a fool.

"This letter," he says, "according to Duke George's statement, is mine. If so, the said Duke George must of necessity confess that he has abstracted my property without my privity or consent. Doubtless, he must be troubled with a bad conscience. From whence, however, has Duke George derived the power of seizing upon the property of another man against the wish of its lawful owner? Who has authorised him to retain such ill-gotten goods? If we grant him so unprecedented a right, why should he also disgrace himself by insult and outrage? He disposes of the property he has acquired unjustly

according to his own despotic will and pleasure, to the irreparable loss and detriment of the real owner. This stolen, violated, and intercepted letter was printed for my oppression and for his exaltation. I will put a case, however, on a level with his comprehension.

"If I had obtained a letter from Duke George's Chancery without his knowledge and consent,—if I had made use of it to the disparagement of his honour and character,—would he be well pleased with such conduct? He might perhaps act with contemptuous clemency, and leave the letter in my secret possession. Whether he interfered in the matter or not, however, I should stand a chance of losing my head, though my neck were of steel or iron.

"Or, suppose I had taken a thousand florins from a merchant without his knowledge or consent, and then not only boasted of my crime, but bullied my victim and sought his ruin; let the Duke be judge himself what such conduct had deserved. 'Yes,' it may be urged, 'but letters are not goods!' My dear reader," continues Luther, playfully, "what if a letter were of more importance to you than a thousand florins? *A thief is a thief, whether he steals money or letters.*"

He then proceeds to read the Duke and his adherents a stern admonition as to the propriety of conforming to the command of the Almighty against theft, and concludes with an explanation of the seventh Psalm which he pertinently applies

to the rogues of rank, who had expected an easy victory, and found utter confusion.

In another place also, the renowned pioneer of religious reform reflects on his triumph with that generous pain which men naturally gentle and kind-hearted feel for the most dastard adversary when he is completely discomfited. "God knows," he says, with touching pathos, "how gladly I would have spared Duke George, not only for the sake of his own peace, but also for that of all the honourable House of Saxony, &c. Even so, on nearer inquiry, I should have learned how to give him such a cut over the nozzle (*sic*) in my answer, that he would have lost all inclination for a further quest, while I need not have spared his adherents."*

Luther's able and stinging defence of the privacy of letters has been constantly reprinted, and is usually cited by all public writers on this subject. Knoblauch, King, Friesen, Kemmerich, and others, have since treated on letter-opening with various degrees of ability. All are agreed that it is one of the most unworthy of crimes and pettifoggeries; the only difference among them appears to be as to who shall give it the hardest name; the choice being between the gentle substantives "theft," "larceny," "treason," or "breach of trust."

Nevertheless, and Luther's eloquent censures notwithstanding, the practice of opening letters is

* Vide Miruss, Europäische Gesandschafts Recht, part i. pp. 171, 172. I have given Luther's answer verbatim.

not only one of notorious frequency in our time, but it has always prevailed more or less even among the most enlightened states of Europe. Duclos, St. Simon, and Richelieu have all numerous passages proving the distressing height which this official crime had attained in their time. In the "Encyclopédie Méthodique" (Œconomie Politique et Diplomatique, tom. i. p. 538,) occur also the following passages:—"La méthode d'ouvrir, en tems de paix et en tems de guerre, les lettres et les dépêches qui peuvent contenir des instructions utiles, est en usage presque partout." —"On autorise les autres puissances à agir envers nous comme nous agissons à leur égard."—"D'ailleurs on surcharge de travail ceux qui dirigent les affaires publiques; car on sait combien les ministres ou négociateurs, obligés de chiffrer, se donnent de peine."—Neither the morality or the sense of this, however, is very clear.

Duclos, St. Simon, and Richelieu.

I have frequently ventured to express the opinion that secrecy in state-affairs is extremely unadvisable. Nothing but the immediate concerns of actual warfare can render it either serviceable or proper; and on ordinary occasions it is merely a cloak for folly, and a charter for dishonesty or incapacity. As long, however, as nations continue to admit the principle of secrecy in state-affairs, the correspondence of diplomatists has an especial claim to be respected. If it were possible that there could be any difference on such a subject, or any shades or degrees of guilt in the crime of a felon, official despatches

have even a stronger claim to inviolability than the letters of private individuals; because the rights of nations are greater than those of individuals,—the affairs and interests of a whole people are of more importance than those of a few persons. Kemmerich, in his Preface to Luther's treatise, cites the following passage on this subject from Just. Presbeutæ Tract. de Jure Legationis statuum Imperii:—

Kemmerich.

"Id certum est, legatum, cujus literæ dolo malo interceptæ sunt, non modo, ut sibi satisfiat, postulare posse sed ut eo occasionem sæpe præberi, revocandi domum legati, et inimicitiarum cum illa republica, quæ vindicare scelus negligit."

De Wicquefort gives several instances in which sovereigns have very properly insisted on the most signal satisfaction from any state whose officials have been detected in the nefarious practice of tampering with the despatches of their ambassadors. Cocceji, Dissert. de Legato Sancto, cap. i. § 9, maintains that an ambassador can only expect that the inviolability of his correspondence will be respected as long as he keeps strictly within his duties. I do not understand, however, that any question whatever can be honestly raised on the subject. If an ambassador be suspected of malpractices, let him be expelled the kingdom in which he is bringing disgrace on himself and his office. The government of an honourable people should never condescend to filch his letters.

Nations, however, appear to have positively no sense of shame on this matter. Not only is the

correspondence of ambassadors systematically intercepted and opened in many countries, but couriers have been often robbed, ill-used, and even murdered to obtain it.* The French ambassador of the day once made a complaint to the feeblest and worst of English ministers (the Duke of Newcastle), that the despatches sent to him from France had been not only opened, but were actually forwarded on to him sealed with the royal arms of England! Anecdotes.

"It was in consequence of a mistake at the Foreign Office," replied the Duke, laughing at his infamy as a good joke.

The opening of despatches is looked upon as such an infinite jest in some of the petty states of Germany, that not long ago a certain minister found that all the despatches he received through the post for some time invariably reached him sealed with the official seal of one of the German post-offices. He remonstrated with the ministerial worthy with whom he had immediately to deal. "Que foulez-fous," returned the latter agreeably, "c'est l'habitude." Sometimes ambassadors have been obliged to resort to a singular device to escape the prying of unauthorised persons into their correspondence. They have sent two sets of despatches,—one, in all the pomp of official forms, to amuse the spies; and another modest little packet, containing the true matter of their communication, which escaped violation from its apparent insignificance.

* Vide Klüber, Kryptographik, p. 36, notes *a*, *b*, and *c*.

It is obvious that any state which refuses to respect the privacy of letters will inevitably diminish its revenues and materially injure its commerce; for if the post-office will not transmit letters without inquiry into their contents, people will soon cease almost to write at all.

Klüber. Klüber, pp. 49—56, has given a long list of precautions against letter-openers; and a book was also published at Lubeck, on the same subject, in 1797: it is entitled, "Wie sichert man sich vor Brief-Erbrechung." One of the most

Cypher. common means to secure the contents of despatches from coming to the knowledge of improper people is the employment of a cypher. This is a secret species of writing very much employed in diplomacy, though an antiquated invention, and really of little worth. Despatches in cypher are usually written when the subject of them is particularly important, and a thoroughly trustworthy messenger cannot be procured to convey them to the place of their destination. It is generally admitted, however, that no cypher has been yet invented which cannot be read after some study by an experienced person. Formerly, it was customary to write only a small part of the despatch in cypher; but the context usually threw so much light on the other and secret parts, that this practice was afterwards abandoned. There is a curious letter extant from the Florentine ambassadors, at Naples, to the Chancellor Adriani, in which they thus refer to this subject:—

"We should inform you that your clerks and

notably D. Luca are very careless in their use of our cypher. We desire also to observe to you, that it would be better to write the whole despatch without cypher than to cypher only a very small portion; because the preceding and following paragraphs make the whole easily understood, and betray the whole cypher."*

Nothing can be more ridiculous, however, than the history of these tricks and devices of cunning men to keep those things secret which would go on so much more safely and better if publicly known. The art of cyphering is one diplomatic accomplishment; the art of decyphering is another. It is a notorious fact that no foolish and rigmarole precaution of this kind will prevent a clever rogue from worming out the contents of a despatch after a few hours' study. He no more requires what is called the "key" to this old woman's delusion than a housebreaker wants the key of your writing-desk. A key may be all very well in its way; but if it is not forthcoming, he has got one or two rusty little instruments, which will soon do all he wants without it. The only thing which gives him the smallest uneasiness is the fear of a policeman; for if even love laughs at locksmiths, crime positively sneers at them.

There is as much difference between decyphering as an accomplishment and decyphering as a profession, as there is between a burglar and a person who enters a house with a latch-key. There are men who positively have a genius for

* See Alfred Reumont, pp. 487, 488, and De Callières, ch. x.

roguery; the accomplished decypherer is one of them. De Callières (ch. xx.) tells us there have been many distinguished sneaks of this kind. Their art is not really so difficult as might be imagined at first sight, for the crooked-minded and dodgy old ladies who first bethought themselves of sending each other conundrums of this kind on public business, were often so confused in their ideas, that no means could be possibly applied to make sense of their mysterious communications. Courts and cabinets were kept in a constant state of distress and uneasiness by the incomprehensible despatches of their agents in foreign parts. Strange news was often bruited about, which was supposed to have been received in this way. When it had thrown a nation into the utmost dismay, and given every member of the government a surfeit of horrors and indigestion, it usually turned out to be false. Persons learned that they had been frightened out of their wits, because there had been a mistake either in composing the conundrum, or in finding out what it meant. Sometimes the riddle might be read also in several ways, so that a government did not know whether to rejoice or despair—whether a general illumination should be commanded, or a public fast.

De Callières.

Any class of men in the world but diplomatists would have given up a series of tricks, the performance of which was attended with such serious inconvenience. They have not, however, been able to persuade themselves to re-

nounce these singular mysteries, even up to the present time. They have invented an expedient. Diplomacy is great at expedients; and her device in this instance was worthy of the occasion. Finding, for the reasons already mentioned, that it was unsafe to use a cypher which no person could read correctly, the modern practice has been to adopt one familiar and easy enough to be generally understood (especially by foreign courts). Diplomacy has thus the trouble and importance of secresy, without any of its supposed advantages.

M. de Callières (ch. xx.) here comes to our aid with a valuable suggestion. He lays it down as a rule, that despatches written in cypher should always be as short as possible; and perhaps few persons of our time will differ with him in so reasonable an opinion.

The use of cypher appears to have early puzzled the wits of mankind. It is asserted on respectable authority, that the Lacedæmonians inconvenienced themselves by its employment: * and probably it was a part of that "Greek faith" and trumpery system of intrigue which ultimately led to the utter confusion of that renowned old republic. The Lacedæmonians.

The wily diplomacy of Richelieu, however, seems to have first restored the frequent use of cypher in modern times. A belief in cypher still Richelieu.

* See Baron Ch. de Martens, Guide Diplomatique, &c., tom. i. p. 279 ; also Bapt. Porta de Occultis Literarum Notis (Montiobelic. 1593, 8vo.), p. 3—11.

remains among the remarkable hallucinations of our own day, but it is not so general as in the time of Richelieu. An ambassador must be at a lonely and out-of-the-way court indeed, if he cannot find some trustworthy person who will carry an important despatch among the swarm of modern travellers. Many a smart officer and aspiring gentleman rejoices in the fancied importance he will acquire as bearer of a packet for the Foreign Office. A paragraph in the "Morning Post," and invitations to dinner for six weeks, are among the least of the honours which a person of quality may acquire from so fortunate and exciting a circumstance in his biography. Hence cypher, at least before the outbreak of the present war, was rather at a discount; and perhaps, with a few more years' peace and progress, attachés and other quill-driving officials would have got rid of it altogether. Cypher, however, has revived a little of late, though I am privately persuaded that its present activity is merely what Sir Henry Halford used to call a lighting up before death.

Mazarin. Cardinal Mazarin* was of course a great advocate of cypher and secret writing of all kinds. He also had another pretty little deception, which is so ingenious, that it has often been performed since with various degrees of success and ability.

Aware that his despatches would be opened, he used to write many useful falsehoods therein, for

* See Breviarum Politicorum seu Arcana Politica Card. Jul. Mazarini, (Ams. 1721, 12mo.) p. 2.

the especial purpose of misleading the inquisitive rogues into whose hands he knew they would fall. Stolen waters are sweet, and the thieves, however wary on ordinary occasions, were prompt enough to believe information they had acquired at the price of a misdemeanor.

Cypher must not be confounded with stenography or short-hand writing, which is of course too simple and practical for the purposes of diplomacy.

A gang of bandits were arrested some time ago in Germany, and brought to condign punishment, in consequence of their having been so indiscreet as to employ cypher in communications to each other respecting robberies.

Every ambassador has a distinct cypher confided to him with the key thereof, for the special use of his mission. This cypher is also changed from time to time, in the vain attempt to insure farther security.

Sometimes, an ambassador not only corresponds with his own government in cypher, but also with the rest of the corps diplomatique at the court to which he is accredited. It is needless, however, to reflect upon the disorderly and disgraceful state of any country where such a precaution should be necessary; and the public morals must be reduced to a low state indeed, in a place where gentlemen are unable to send a note to each other without its being opened and read on the road. De Flassan, in his "Histoire Générale et Raisonnée de la Diplomatie Française" (vol. iv.

p. 218), has the following passage: "Le Baron reçut en 1760 du ministère Français, outre ses instructions *quatre* tables de chiffres différentes; le premier chiffre pour la correspondence avec le ministre des affaires étrangères; le second pour les pièces communiquées; le troisième pour la correspondence avec les ministres du Roi à Vienne à Stockholm à Copenhague et à la Haye. Le quatrième chiffre intitulée de réserve ne devait servir que dans les cas extraordinaires, ou lorsqu'on aurait lieu de soupçonner que le chiffre ordinaire pourrait avoir été intercepté."

Klüber enumerates the following various kinds of secret writing, as among the best in use:—

The circular or sliding method.

The book method.

The transposition cypher.

Net or trellis writing.

The Lacedæmonian method.

The card cypher.

Baco's method.

Mirabeau's method.

Beguelin's method.

The syllable cypher.

Writing in verse.

The multiplication cypher (observing the precautionary rules of the author).

The word cypher (a most complicated affair).

The dot cypher.

The Mnemonian cypher.

Figure and colour writing.

He explains also two other methods, and men-

tions a third, which he says he discovered in 1805. He does not, however, instruct us in the use of it. Respecting this obscure invention for increasing the difficulties of mankind, he says it yields to none in safety and secresy; it is easy to write and easy to read; it may be used with uncommon celerity; it is economical, because it does not require the assistance of a third person, or even a second, if a man chooses to write to himself. If the person desirous of employing it, however, be too indolent to do even so easy a thing as write in secret, according to Klüber's plan he may employ another person, without the possibility of that *other person's* being able to understand what he is writing about. I am glad Klüber has not told us anything which will afford a guess at this cunning means of deception; though, with respect to the last advantage he has enumerated, few ambassadors appear to need a cypher to render their despatches completely incomprehensible to everybody. One would think they might safely defy the curiosity of all the world in this respect. As a general rule, it may be perhaps assumed that no living man is ever able to explain the meaning of an ambassador's despatch, except a minister interrogated in the House of Commons; and then it is not always easy to determine which is most obscure—the despatch, or the explanation.

The "Guide Diplomatique," among other works of the kind, may be cited as having some silly and worthless instructions on this subject.

CHAPTER XII.

Expenses of Ambassadors. — Diplomatic Salaries. — Society.—Dinners.—Public Receptions.—Residences.—Outfits of Ambassadors.—Prince Repnin.—Servants of Ambassadors.—Carriage and Six Horses.—Allowances formerly made to Ambassadors.—Their Abolition by Treaty.—Presents.—An Anecdote of the Bey of Tunis.—A Paltry Device.

Expenses of Ambassadors.

AMBASSADORS in former times were very fond of keeping up appearances. They displayed great splendour in their equipages, households, and entertainments. They were not altogether wrong, either, in so doing. When the intercourse between distant countries was rare; when travelling was always difficult and sometimes dangerous; and when nations knew little or nothing of each other—it was well enough that the representative of a great state should display a good deal of outward dignity and importance. Indeed, he would have speedily fallen into contempt if he had not done so. He lived in constant familiarity with the great nobles of the court at which he resided. They were comparatively much richer than at present. A man who could scornfully throw away a heavy purse of gold which his son's economical habits had accumulated, to learn the youngster to be Prince de Condé, would have looked with infinite contempt on a per-

son who was obliged to be sparing in his expenses. The government of the whole world was in the hands of spendthrifts and triflers of this kind. They respected nothing but fine clothes, brilliant retinues, and costly banquets. It was impossible to make them any wiser; and therefore an ambassador had no choice but to keep pace with them.

Ambassadors of the first class, especially, were unavoidably put to enormous expenses in this way, and it need hardly be added that vanity spurred on those of inferior rank to imitate them with the very greatest exactitude possible. The splendour thus attached to the ambassadorial character soon attracted the attention of fops and courtlings, and they have gradually degraded the reputation of diplomatic envoys to the lowest level of absurdity. Ambassadors, instead of being clear-headed men of business, with large and enlightened views for the benefit and progress of the world—instead of being far-sighted and practical statesmen—gradually become a set of well-dressed, dining, dancing, fiddling, bowing, scraping, frivolous, toadying nobodies—all tinsel and gewgaws. Indeed, governments appeared to forget that splendour and expense, though valuable in those times as accessories, were utterly worthless and ridiculous alone.

It is not easy to fix the salary which should be paid to a diplomatist. It should in all cases, however, be extremely liberal. The dignity and becoming appearance of his household will always have a marked effect on his position and

Diplomatic salaries.

utility. He must of necessity go a great deal into society. Society is expensive. It would be improper for an ambassador habitually to receive hospitality, and never to return it. People would not like it. They are fond of going to entertainments at the houses of ambassadors. The persons who are invited are usually among the wealthiest people in the land. They are accustomed to live expensively, and they expect to be received in an expensive manner. If an ambassador is too poor to exchange costly courtesies with society, he will know nothing. The notabilities of all countries are very fond of good living, and they seldom choose to be at leisure during any period but that of dinner. I do not say much about the letters of introduction—so many drafts at sight for dinners—and the crowd of friends, countrymen, and lovers who are always pouring in upon ambassadors, because he may dishonour the drafts and send the bearers about their business, in a polite sort of way, if he pleases. Only, woe to him if he does so! He will infallibly become extremely unpopular; and if anybody who is in the habit of travelling can do him a mischief, and contribute to putting a more hospitable individual in his place, it will not be for the want of trying.

Society.

Dinners.

Dining, therefore, as Lord Palmerston very justly observed, is the life and soul of diplomacy. A government which leaves a large margin for the entertainments of ambassadors will do well. They should keep open house. It is a national benefit if they do so. Their houses should be a

gathering-place for creditable celebrities, that their travelling fellow-subjects may come to see the show, and thus know something more of foreign countries than their museums, galleries, theatres, palaces, railways, steamers, diligences, post-horses, geography, and hotels. Embassies, in a word, should be houses of call for polite information, and open to all comers of known respectability, introduced or otherwise. To make them so will cost money; but every farthing so spent will be a universal benefit, and contribute to the enlightenment and progress of all countries. No salary can be too large which is only sufficient to secure so desirable an object —all salaries will be too small that fall below it.

Public receptions.

It is a good and, in the main, a cheap custom for a nation to purchase houses for its ambassadors. It is a single expense, and usually money very well spent; for the house-rent of an ambassador must necessarily be considered in his salary. By the purchase of a house, also, a government may save a greater part of the expense of an ambassador's outfit. Besides, an embassy should really be a public building, and its precise situation should be indicated in guide-books, just as the principal hotels are, for the information of travellers and official messengers. There should not be such a thing as a snug, sly, private embassy. If an ambassador wants to be snug, sly, and private, let him choose a profession in which his retirement from the world will be no disadvantage to other people.

Residences.

Formerly, a special quarter of the town was often allotted to ambassadors; now they are usually allowed to live where they please. Nevertheless, at Constantinople and in some other places their residences are restricted to a particular spot.

Outfits of Ambassadors.

Where there is no embassy-house, an ambassador usually receives a special allowance for rent in addition to his outfit. French ambassadors receive a considerable sum of money in such cases—"à titre de frais de premier établissement." Extraordinary ambassadors on temporary missions are frequently provided with a residence by the court to which they are sent. It is rather irksome, however, to accept it, and ambassadors recently seem to have preferred hotels in such cases.

Prince Repnin.

In 1775, Prince Repnin, Russian ambassador at the Porte, caused no less than *thirty-three* houses to be splendidly furnished for the reception of himself and suite. There was, however, a good deal of calculation in this. The Turks are fond of show, and measure the importance of a public man a good deal by the size of his residence and the number of his servants. Perhaps there are other nations, also, not altogether unlike the Turks in this respect.

It is as well that an ambassador should have a house to himself, though this necessity is very much done away with when houses are built in flats, as they are on the continent. Thus, the British embassy at Vienna forms merely a part of the great Coburg Palace on the Bastei.

Servants of Ambassadors.

An ambassador especially requires a good staff of servants. In the draft of instructions for Prussian ambassadors, Von Rehfues tells us that an ambassador requires "an experienced porter to give answers at the door and prevent the diplomatist from being disturbed at inconvenient times. In visiting hours, a livery servant should stand ready to receive persons admitted by the porter, and the groom of the chambers should be in the ante-room to announce them. Another livery servant, a chasseur, and a coachman" are, according to Rehfues, a "full and sufficient establishment." The servants of ambassadors also, we are advised, should be of sleek and decorous appearance—of agreeable address and polished manners; in short, diplomatists in plush and buttons, with white handkerchiefs, so to speak. An ambassador is recommended not to surround himself altogether with the subjects of the sovereign to whom he is accredited, lest they should take advantage of the familiar domestic relations of private life, to discover and betray some of those unlucky secrets he will necessarily be so anxious to conceal. Kölle (p. 145) tells us frankly the reason of this. It appears that immediately an ambassador arrives at a foreign court, the police employ themselves in the honourable occupation of corrupting his servants. Hence, the cardinals and nuncios of the pope were accustomed to have secret doors in their abode to let persons in and out without being observed, lest some curious servant should

watch the proceedings of their guests and inform against them. "Germans or Swiss" are said to "make the best valets, Englishmen the best livery-servants, Frenchmen the best cooks, Italians the best confectioners,—Britons, Hungarians, and Sclaves the best grooms; and a deaf and dumb servant is valuable on particular occasions!"

It is a mystery, however, indeed that any human being should voluntarily condemn himself to live among a set of steel-traps and spring-guns, for the sake of assuring the secresy of nonsensical schemes, which should be never entertained at all.

Carriage and six horses.

A carriage drawn by six horses was formerly supposed to be necessary to the appearance of an ambassador in public. It is especially recommended, however, by several writers who have written on the subject, that diplomatic horses should be perfectly bitted and broken in, lest accidents of a dangerous or undignified nature should occur.

Allowances formerly made to Ambassadors.

Formerly, whem embassies were neither numerous nor permanent, it was the custom for the sovereign to whom an ambassador was sent, to defray all his expenses, as well as those of his suite and servants. A considerable present in money was also given to him.*

Thus, in 1679, the allowances made by the court of Vienna to the Russian embassy were about 4000 florins a-week, or 400 pounds English

* See Ahnert, part i. p. 496; Moser, Kleine Schriften, &c., vol i. p. 110.

money, an immense sum in those days. The Russian embassy which succeeded in 1681 received 500 florins a-day; and a Turkish embassy which arrived in Vienna about the same time received 300 florins daily, and all their provisions were supplied gratis. Cardinal Barberini, who was sent as papal legate à latere to Paris in 1625, cost the King of France 2500 livres daily.

Ambassadors sent to or from the Sublime Porte always had their expenses paid immediately they passed the frontier. A Polish ambassador named Boscamp, who was sent to Constantinople in 1776, was received by the Turkish authorities at Jassy, and splendidly entertained together with a suite of fifty persons during the remainder of his sojourn in Turkey. In 1775, the Turkish embassy at Vienna cost the court 2000 rubles daily. In 1777, the Turkish embassy in Poland received fifty-four ducats daily, and complained that they were unable to live upon it.*

Their abolition by treaty.

Sometimes the payment of allowances to ambassadors was abolished by special treaty. Thus, in the treaty of peace between Sweden and Russia, which was concluded at Neustadt in Finland, on the 30th August, 1721, it was agreed that the payment of allowances to ambassadors should be altogether abolished thenceforth.†

It was not usual for the expenses of ambas-

* Compare Moser, Beiträge zu dem neuesten europaïschen Gesandschafts-Rechte, p. 86, 206.

† See Schmauss, Corpus Juris Gentium Academicum, tom. ii. p. 1847.

sadors at a diet to be defrayed by the sovereign in whose dominions it was held, and the Emperor of Germany issued a special decree 23rd (13th) January, 1669, requiring every state to pay the costs of its own representatives on such occasions.*

The expenses of ambassadors, however, grew at last to such a height; they became so curious and astounding an abuse, that special treaties were hardly required for their abolition, and the custom of defraying them gradually died away. The usage, however, has been still kept up now and then by the European courts in their diplomatic intercourse with some of the eastern nations. Thus, in 1819, a Persian ambassador with the elegant name of Mirza-Abul-Hassan-Khan, passed through Vienna on his road to London. He brought a letter and many costly presents for the Emperor of Austria, and was lodged and entertained at the expense of that monarch until he had repassed the frontier.

Presents. Many sovereigns, also, who have declined to pay the expenses of ambassadors, have nevertheless given them presents so costly as amply to compensate them for this loss. Presents of this kind have been frequently given from motives of policy, to show good-will, and so forth, as to express peculiar satisfaction at the manner in which an ambassador has conducted the business

* Compare also Aut. Faber, Europaïsche Staats-Kantzley, part x. p. 11—13. Resolutio Cæsarea, in qua cujusvis status imperii jus a subditis sumptus legationum exigendi agnoscitur, &c.

of his mission. Princes are wont to express their good-will by means of gifts. This is not altogether a voluntary act on their part, however, but it arises from custom, which has tacitly adopted the practice of gifts at certain times. Sometimes the nature and value of gifts to be bestowed on special occasions have been determined by treaty, and this has been especially the case with the Porte and the states of Africa. In Art. X. of the treaty of Belgrade, concluded in 1739, there is a provision of this kind; and also in Art. X. of the Peace of Jassy, signed in 1792. Martens, in his Précis du Droit des Gens (v. ii. p. 313), grows rather angry on this subject. He says, "Il n'y aurait rien à remarquer sur la doctrine peu importante de ce § 168, si l'auteur n'avait mis parmi les présens les dons qu'on s'engage quelquefois à faire par des traités ou par des actes qui en tiennent lieu. Aussi longtemps que ces dons ne sont que voluntaires, ils peuvent être appelés présens; mais dès qu'il y a contrât et obligation, ce ne sont plus des présens. C'est là ce qui rend les soi-disant présens aux gouvernemens barbaresques humilians et honteux pour les puissances qui ont été réduites à en contracter l'obligation."

These gifts to ambassadors were much more frequent in the middle ages than at present; and numerous examples occur in the history of the crusades, and in the monkish chronicles. There was a magnificent interchange of gifts between the Emperor Frederick and one of the emirs in

1227. The emir, however, was more generous than the Frank, for he gave the ambassador of Frederick precisely double the value of the gifts which he brought. Among his presents were many costly and curious things from India, Yemen, Syria, and Irak. One of these curiosities must have been rather troublesome: it was an elephant.

If an ambassador to the Porte in former times brought a shabby present, he was exceedingly ill received. Presents are indeed still the curse of the East. There have been several attempts made to abolish them, but hitherto without satisfactory results. The custom has been scotched, not killed, and every petty vice-consul with 200*l.* a-year is obliged to subscribe to it. Respect and good-will is shown by presents in the East,—the larger the present, the greater the good-will.

An anecdote of the Bey of Tunis.

The presents of sovereigns have been now and then contemptuously received, from ignorance of their worth. An odd instance of this is cited by a traveller in Africa in 1836. It appears to be part of the early personal experience of the French Algerine general Jussuf, who was brought up in the seraglio of the Bey of Tunis.

"Holland, or America," (said Jussuf,) "I know not which, sent the Bey some valuable models of agricultural machines and specimens of manufactures, instead of the customary present of gold and jewels. The bey, however, was incensed to the highest degree: he looked upon the whole affair as a bad joke, intended to laugh him to

scorn. He immediately despatched Jussuf, then a youngster, about eighteen years old, to order the consul to haul down his flag, and threatened to expel that functionary from the country without further notice. He just hinted to him, however, with the usual childish craft of an Oriental, that if his government immediately sent to Tunis proper presents, instead of those fool's toys, they yet might avoid a declaration of war, and the consequences of his anger." "It is odd," adds the author of this anecdote, and we perfectly agree with him, "that Europe should so long have tolerated such insolence from a handful of pirates."

In former times, ambassadors frequently received presents on their arrival at and departure from a foreign court. This custom still exists in some places: elsewhere it is, however, very properly forbidden. The united States of the Netherlands, with characteristic prudence, seem to have been almost the first power which forbade its ambassadors to receive presents from foreign courts; and a stringent order to this effect was issued as early as 1651 (Aug. 10). The wealthy republic of Venice, indeed, appear to have prohibited the receipt of presents on the part of their envoys still earlier, but the rule was frequently evaded. The North American Union, also, wisely and honourably directed its envoys to abstain from receiving gifts of any kind.* Russia appears

* Compare A. Kluit, Primæ Lineæ Historiæ Federum Belgii Federati, tom. ii. p. 570; Moser, Beiträge, &c., part iv. p. 482; G. F. De Martens, vol. ii. p. 369.

to have behaved with peculiar meanness and impropriety on this subject, and the Marquis de Custine (Russia in 1839) tells us that the Czars of the sixteenth century used to take away the costly gifts which ambassadors brought from foreign countries and appropriate them to their own use. Thus, on the return of Prince Yaroslawsky from Spain, he was obliged to hand over a quantity of jewellery, collars, and other things which had been given him by the Emperor and the Archduke Ferdinand, and deposit them in the treasury.

As a rule, perhaps, the custom of receiving presents can scarcely be too strongly condemned. The very idea of exacting a gift is repulsive and contradictory. It is incompatible with the dignity and independence of an envoy to a foreign court; and there is reason enough for surprise that such a usage should have so long outlived the disgust and repugnance which high-spirited and honourable men must have always felt when obliged to submit to it. It remained, however, for the good sense of the republics of the Netherlands, Venice, and America to deliver their ambassadors from the irksomeness of being obliged to receive presents, and the governments in their correspondence from the humiliation of offering them. It is an insult to any statesman to suppose he would be desirous of such a reward for doing his duty, or that some paltry bribe would induce him one instant to forget it.

The presents, however, given by sovereigns to

foreign negotiators have been sometimes magnificent enough to create suspicions little favourable to either party. Thus, Marlborough received from the Emperor Joseph the principality of Mindelheim; and Charles VI. gave the principality of Cosel to Prince Menschikoff when the Russian envoy announced to him the betrothal of his daughter with Peter II. Count Lusi, Prussian ambassador to the Porte, in 1791, received a present of ten thousand golden ducats on his departure: two thousand more were also given to the secretary who accompanied him. The four Swedish commissaries who signed the Accession Act, at the treaty of Hanover, in 1727, received forty thousand thalers from the courts of France and England. In 1746, the Dutch ambassador De Dieu received from the Emperor of Russia, not only the customary present of eight thousand rubles, but also a brilliant ring valued at seven thousand, and a snuff-box valued at two thousand rubles more.

One of the most graceful presents on record was, however, that given by Frederick IV. of Denmark, in 1720, to Lord Carteret, who had done so much for the restoration of peace. As the English peer received his farewell audience, the king unbuckled his sword. "Puisque," said his majesty, with exquisite tact, "M. l'ambassadeur a rétabli la paix entre nous et la couronne de Suède, nous n'avons plus besoin de l'épée, ainsi M. l'ambassadeur voudra bien recevoir celui-ci de nos mains pour se souvenir de nous."

In 1720, Count Wratislau, the Austrian ambassador at St. Petersburg, received the order of St. Andrew, with the collar which had been worn by Peter II., and which was worth twenty-five thousand rubles. Louis XIV. was accustomed to present ambassadors with valuable copies of rare works printed at the Louvre. The presents given by the pope, however, must have been often received with an inward grimace, the more bitter for the outward reverence which piety, and even decency, required from any orthodox envoy who received them. They consisted chiefly of beads and relics. Sometimes, however, if his holiness wished to do an ambassador a special honour, he sent him the entire body and bones of some saint or martyr. Thus, the Duke de Crequi, a polished and elegant French gentleman, who was sent by the court of Versailles to Rome, was complimented with the complete remains of the *Holy Ovidius.* When the ambassador was in possession of this obscure saint, he did not know what to do with him. However, at last, he thought he would employ the precious relic in purchasing absolution for all sins, past, present, and to come; and therefore sent it to the Capuchin convent, in the Place Louis le Grand. The monks received the body of the blessed Ovidius with a reverence only equalled by their surprise, when they discovered that he was endowed with the miraculous peculiarity of two left legs.*

* Compare Quintessence des Nouvelles Historiques et Politiques

The presents given to ambassadors by foreign sovereigns, however, in our day, have dwindled down, almost entirely, to ribbons and decorations. Blucher rejoiced that he had already received so many decorations, that foreign courts disposed to do him honour were at length obliged "to come out with their snuff-boxes." Certain wily ambassadors have virtuously refused to receive presents for themselves, but dexterously insinuated that their wives would receive a gift of jewels with infinite greediness and satisfaction. It is hinted, also, that nervous and dejected sovereigns have been sometimes only too glad to purchase peace and immunity from insults and hectoring on the terms indicated: A paltry device.

A curious custom formerly existed in Turkey. Whenever it was known that the sultan was about to dine with one of the great officers of state, foreign ambassadors vied with one another as to which should send the most delectable confectionary to figure at the banquet. A design in barley-sugar was made to convey some delicate political allusion, and preserved fruits were arranged after a fashion most propitious to the objects of the sender's diplomacy. The harems of the sultan and the grand vizier were also frequently complimented with similar delicacies, and eat political sugar-plums with infinite complacency.

Ambassadors have frequently displayed their

de l'An 1728, No. 88; also Mémoires et Négociations du Chevalier d'Eon, p. 96; Guide Diplomatique, vol. i. p. 109, &c.

munificence and acquired popularity by sending considerable gifts to the poor, or founding charitable institutions. An odd instance of this kind of thing occurred in 1846, when Sidi Ben Agad, the Tunisian ambassador in Paris, sent 10,000 francs to the priests of the Magdalen for distribution among the poor, as a token of his joy at the recent escape of Louis Philippe from assassination.

There can be little doubt that the salary of ambassadors, when paid by their own courts, has usually fallen very far below their expenses. In former times, indeed, the cost of an embassy was so great, and the salary, usually, so small, that prudent men refused the honour of representing their country altogether. If they allowed their vanity to master their reason upon one occasion, they implored, for the sake of Heaven, that they might never be again distinguished in a similar manner. In 1271, the Grand Council of Venice was obliged to establish a punishment, by fine, for those who refused to accept a mission when chosen. In 1280, this law was modified, but still severe illness could only be pleaded as excuse by an unfortunate person, who happened to be designated for one of these ruinous appointments. From this time forth, however, every person chosen was immediately seized with such a dangerous distemper, that the business of the republic could not go on; and in 1360, it was decreed that every citizen declining to go on an embassy should be held incapable of

holding any office or benefice for a whole year. Even Machiavelli, whose very soul was in diplomacy, was obliged to solicit his recall to Florence, on the ground of his total incapacity to support the expenses of his mission, and touchingly complains that he had already been obliged to spend "forty ducats of his own money, as well as to borrow from his brother, in order to supply means for his daily necessities." This sum was so small, that he must indeed have been kept in straitened circumstances to have thought it worth mention.

The Russian, Portuguese, Spanish, Neapolitan, and English ambassadors seem to have been always remarkable for their splendour and luxury, but their magnificence was frequently maintained almost entirely by their own private fortunes. The practice appears to have been, for states to choose a wealthy subject to represent them nominally abroad, while a shrewd secretary really negotiated, and carried on the business of the mission. This was a great mistake, indeed; but it was one on which nearly every court in Europe tacitly agreed to act.

Governments were even so careful about spending money on their embassies, lavishly as they wasted it on other objects, that if they resolved to invest an envoy with a higher rank than that he previously enjoyed, they resolutely declined to raise his salary in consequence. Thus, when Count Ripperda, envoy from the Netherlands at the court of Spain, was raised to the rank of

ambassador, it was expressly stipulated that this honour must be conferred upon him,* without the smallest addition of expense to the state.

A question was often raised in former times as to the funds from which ambassadors' salaries should be paid. In our day such a discussion is unknown, but it once puzzled the wits of every statesman in Europe. In the Netherlands, the province of Holland was charged with the expense of an ambassador at the French court; and, therefore, usually possessed the chief influence over his appointment.

Oxenstein † has left us a quaint account of an underpaid ambassador. "J'ai connu," he says, "à cette même cour un autre ministre étranger qui logea dans une gargotte, croyant apparament, que tout le mérite d'un envoyé consiste à épargner quelques écus à son maître; il avait loué deux chevaux d'un charretier pour son carosse: quand il alloit en cour. On me disait, qu'il y avait quinze ans qu'il fut dans le ministère, et que sa livrée fut de même date. Il avait l'air d'une perche, la tête d'un brochet, et la voix de la flûte d'un orgue cassé; enfin un vrai villain longissimus Andreas. Je finis par lui, car il me parut le postscriptum de tous les envoyés, que j'aie vu."

Besides his regular salary, an ambassador is usually held entitled to be reimbursed for certain extraordinaries. Travelling expenses, public

* See De Lamberty, Mémoires, &c., tom. ix. p. 46; Packner's Sammlung der Reichsschlüsse, part i. p. 377, 451, &c.

† See Recueil des Pensées du Comte I. O. sur Divers Sujets (à Frankfort, 1721, 4 tom. 8vo.), tom. ii. p. 39.

festivities, house-rent, the salaries of his staff, official presents, the loss upon exchange of foreign money, secret service money, and table money, are all understood to come within this denomination.

In 1774, M. de Choiseul, French ambassador at the court of Sardinia, received a pension of six thousand livres, to indemnify him for the expenses of the marriage of the Count d'Artois.*

The French Directory, in 1798, made a very sensible resolution respecting the salaries of ambassadors, and it sums up the philosophy of this question in very few words. "Gardons-nous," said those clever rogues, "de placer les agens extérieurs entre la pénurie et la séduction." †

* De Lamberty, Mémoires, &c., vol. xi. p. 64; G. F. de Martens, vol. ii. p. 373; Reumont, p. 500; and Moser, from p. 268—290.

† See Le Redacteur du 13 Brumaire, An VII.

CHAPTER XIII.

An Ambassador's Suite.—Military Escort.—Auditors of Nuncios.—Private Secretaries.—Attachés.—Interpreters.—Chaplains.—Messengers.

An Ambassador's suite.

THE suite of an ambassador comprises the persons officially attached to the embassy, the family of the ambassador, and the servants of his household;* a private physician is sometimes added. In 1741, the suite of the Maréchal de Belleisle, ambassador at the diet of Frankfort, amounted to forty persons.

The persons belonging officially to embassies, are secretaries, attachés, clerks, canceliers, interpreters, decipherers, chaplains, almoners, and couriers. To this list has sometimes been added cavaliers, or gentilshommes d'ambassade, who have neither pay nor functions, but whose presence is supposed to add to the splendour and importance of an embassy. These cavaliers are on the same footing as secretaries of legation. Marshals, pages, and noble youths have often figured in the suite of an embassy.

Military escort.

A military escort seldom accompanies an

* Compare Bynkershoek, De Comitibus Legatorum; Tract. de Foro Legatorum, c. xv.; De Bielefeld, vol. ii. p. 197; Schmalz, p. 91; G. F. de Martens, Précis, &c., tom. ii. p. 63 (ed. 1831).

embassy. Sometimes, however, a guard of honour is sent to attend an ambassador on a journey, or posted at the gates of his residence on his arrival. This is, however, merely an act of courtesy on the part of the sovereign at whose court he is accredited. Ambassadors at the Sublime Porte are frequently provided with a guard of honour on extraordinary occasions.* At public festivals, marriages, &c., ambassadors have been sometimes allowed a military escort. In 1817, also, General Yermaloff was sent by Russia as extraordinary ambassador to the court of Persia, accompanied by a powerful escort. Travelling in Persia, however, is not very safe, so that the escort may have been really as much for the purposes of protection as display.

The whole of an ambassador's suite enjoy the privileges of exterritoriality in the same manner as the ambassador himself. It is usual for an ambassador to send in a list of the persons comprised in his suite to the local authorities, and to notify any changes therein as they may occur. A state may, however, prescribe limits to the unreasonable increase of an ambassador's suite, as was done by the Golden Bull with respect to the ambassadors of the electoral princes of Germany.

Secretaries of embassy (attached to ambassadors of the first class), and secretaries of lega- Secr of E and tion.

* Compare Moser, Versuch. &c., Th. iii. p. 142; Th. iv. p. 114; also Beiträge, &c., Th. iv. pp. 117, 207, 306.

tion (attached to those of the second and third class), are appointed and paid by their sovereigns in the same manner as the ambassador himself. The number of the secretaries—who are sometimes called conseillers d'ambassade or de legation—depends altogether on the business and importance of the embassy.

Auditors of nuncios.

The papal nuncios and inter-nuncios usually employ auditors (auditeurs de nonciature, auditores nunciaturæ, datarii, subdatarii). Their duties are very much the same as those of secretaries of embassy and legation.*

Several states have established two classes of secretaries of embassy and legation. France was the first state which introduced this alteration, and her example was soon followed by Russia and some other countries. Secretaries of embassy and legation occupy the post of ambassador and envoys during their absence. The English government formerly bestowed the rank of minister plenipotentiary on secretaries of embassy when they became chargés d'affaires for the second time. The practice has lately ceased.

Private secretaries.

There is a marked difference between secretaries of embassy and legation appointed by their governments, and those *private* secretaries whom ambassadors usually employ for their own correspondence, and whom they pay and appoint themselves. Sometimes a secretary of embassy

* See De Bielefeld, tom. ii. p. 199; Dictionnaire de Jurisprudence, auditeur Klüber, v. i. p. 306, &c.

has been employed upon business not entrusted to his chief, and very frequently he has been the real ambassador, while his titular superior was a mere tinselled nobody. When the Chevalier D'Eon was sent as secretary of legation to St. Petersburg, he received special instructions altogether apart from those given to his ambassador. The Chevalier also carried on a private correspondence with Louis XV., which came very unexpectedly to the knowledge of the interested parties after the death of that monarch. It is to be especially remarked that the Venetian secretaries of legation always received special and private instructions apart from those given to the ambassadors.

De Real says that the Roman Ceremonial classed secretaries of embassy and legation among public ministers, because they were appointed by the same power as ambassadors. The one is a minister of his sovereign in the same manner as the other. He is merely of lower rank, and the commands of his sovereign are therefore signified to him through the ambassador, or otherwise, as may be thought expedient. De Vattel (tom. ii. liv. iv. ch. ix.) says expressly, "Le sécrétaire de l'ambassade tient sa commission du souverain lui-même; ce qui en fait une espèce de ministre public, qui jouit par lui-même de la protection du droit des gens, et des immunités attachées à son état, independamment de l'ambassadeur, aux ordres duquel il n'est même soumis que fort imparfaitement,

quelquefois point du tout, et toujours suivant que leur maître commun l'a réglé."

Secretaries of embassy and legation are bound to assist their chief in all the business of his embassy; they should be present at all official visits, explanations, &c. They should make draughts of official notes and despatches, cipher and decipher communications of importance, issue passports, and preserve the official archives;* they have also sometimes to look after their chief, and prevent the consequences of his negligence or folly. Moser (Versuch, Th. iii. p. 94) says, caustically, "An ambassador is often only like the hands of a watch, while his secretary resembles the works."

At the diet of Regensburg in 1778, it was disputed whether a secretary of legation could be empowered to act in the absence of his chief; and Baron Charles de Martens, in his "Guide Diplomatique" (p. 112), appears to think that this question is not even yet satisfactorily decided. He says:—"Quoique l'on ne *conteste plus* aujourd'hui dans un cas d'empêchement du ministre présent, au sécrétaire d'ambassade ou de légation la faculté d'être admis aux conférences, et de présenter des mémoires ou notes signées par le ministre; on leur dispute quelquefois le droit d'être admis à toutes les fonctions du ministre, quand même ils auraient été préalable-

* See Schmelzing, Th. ii. s. 155; Klüber, vol. i. p. 305; De Martens, Guide Diplomatique, tom. i. pp. 112, 113.

ment légitimés comme chargés ad interim des affaires de la mission."

Secretaries of embassy and legation are undoubtedly under the protection of the law of nations, in the same manner as their chiefs.*

They cannot lay claim to ambassadorial honours, but they enjoy every privilege attached to the diplomatic character. They are now usually presented in person to the foreign sovereign at whose court they are accredited, although in former times their presentation appears to have depended altogether on the usage of different courts. Ahnert says, that in 1765 it was considered an extraordinary circumstance that a certain Herr Prasse was admitted to a farewell audience with the Empress of Russia. Now, Herr Prasse was councillor of legation at the court of Russia to the King of Poland and Elector of Saxony.

Attachés.

Secretaries of embassy and legation usually begin their career as attachés. In some states† they also serve a certain apprenticeship in the law and government offices. Russian, Austrian, and French attachés to be employed at Constantinople and the East, usually receive a special education. It is singular that England has no institution for the preparation of her foreign employés. It appears, indeed, that it would be

* See De Réal, La Science du Gouvernement, tom. v. ch. i. s. iv.

† Especially in Prussia. The Prussian diplomatists are honorably remarkable for their scholarship and attainments.

extremely advisable to give diplomatists generally an education better calculated to fit them for the duties they are intended to perform, than any which has hitherto been bestowed upon them; for the utility of such an education is not to be disputed. Pinheiro-Ferreira says on this subject;—

"L'auteur qui paraît s'être occupé de cette matière avec le plus de détail, dans l'intention de donner à la diplomatie une forme d'enseignement scientifique, est M. Hellmuth Winter, savant professeur de l'université de Berlin, à en juger par le plan qu'il vient de publier de son ouvrage sur cet important sujet. Cependant cet écrivain, d'ailleurs si distingué, n'a pas evité le défaut essentiel que tous les plans antérieurs d'une école de diplomatie présentent en commun. Contents de montrer la nécessité de faire étudier aux élèves en diplomatie un cours de droit public interne et externe, tant positif que philosophique, ces écrivains se sont imaginé que, munis de ces connaissances théoriques, les élèves pourraient sur-le-champ les mettre en pratique, en passant des bancs de l'école aux légations en pays étranger. C'est une grave erreur. Les jeunes gens destinés à servir dans les missions diplomatiques doivent avoir servi auparavant, pendant quelque temps, dans les divers départemens de l'administration publique les plus propres à leur donner une idée complète de tous les différens ressorts dont elle se compose. Destinés à défendre un jour les intérêts du commerce de leur pays contre les

exigeances des nations étrangères, il faut qu'ils connaissent les besoins et les ressources de ce commerce. S'ils ne connaissent pas à fond l'organisation et la force de l'armée de terre et de mer chez eux, comment pourront ils traiter dans leurs négociations une foule de questions qui dépendent essentiellement de ces données ? Etrangers à l'administration de la justice et des finances, ignorant jusqu'à quel point l'état peut compter sur ses ressources pendant la paix comme pendant la guerre, sur quelles bases pourront-ils asseoir les argumens qu'ils sont appelés à employer à l'appui de leurs propositions ? En un mot, le diplomate qui n'aura pas ajouté des connaissances bien positives sur la statistique de son pays, aux connaissances théoriques de la science du gouvernement, ne sera qu'un médiocre diplomate.

" C'est donc dans les bureaux des départemens administratifs qu'il faut prendre ces jeunes gens destinés à être attachés aux légations étrangères. C'est dans les rangs plus élevés de ces mêmes départemens qu'il faut prendre les membres des différens degrés de la hierarchie diplomatique. Ainsi, après avoir servi quelque temps comme attaché en pays étranger, l'élève en diplomatie rentrera aussi pour quelque temps, dans un grade plus élevé, au département d'administration intérieure, d'où il aura été tiré ; en sorte que, passant alternativement du service dans le pays à celui des légations étrangères, au moyen d'une promotion graduelle et fondée sur l'acquisition progressive de connaissances acquises dans l'une

aussi bien que dans l'autre de ces deux carrières, le diplomate pourra rendre à son pays des services qu'on ne saurait espérer de ceux dont toute la science se borne à une stérile routine des cours, seules écoles de la diplomatie jusqu'à présent.

"Les commissions des agens diplomatiques sont ou transitoires ou permanentes. Les unes, aussi bien que les autres, ont pour objet de régler des rapports de commerce ou de politique entre les deux nations; mais les missions permanentes ont encore pour but de suivre les progrès de la civilisation chez le peuple où le diplomate établit sa résidence.

"Tous ces objets exigent évidemment dans les personnes qui en sont chargées un ensemble de connaissances statistiques proportionnées au rôle qu'elles ont à jouer dans la légation. Aussi ne faut-il pas croire que pour tirer tout le parti possible d'une mission permanente il suffise toujours de la confier à un ministre habile, même secondé par un secrétaire de légation, ainsi qu'on le pratique ordinairement. Sans doute que tous les pays ne méritent pas également la peine d'être étudiés dans leurs progrès, ou parce qu'ils n'en font guère, ou parce qu'ils en font de si lents, qu'on ne serait pas récompensé des frais qu'on ferait en y établissant une mission assez complète pour suivre la marche progressive de toutes les différentes branches de l'administration publique. Mais le principe, qu'il faut charger les missions diplomatiques de tenir le gouvernement au courant de tout ce qui se fera d'intéressant dans le pays

relativement à l'organisation sociale, une fois reconnu en général, on en conclura aisément qu'il faut les composer d'un personnel qui, sans surcharger l'état d'une trop forte dépense, présente une réunion d'individus qui, sous la direction du chef de la mission, exploitent, chacun dans sa partie, tout ce que le pays pourra offrir d'interressant sous les différens rapports de la statistique."

I have given this extract at length, because it seems to me to be very remarkable for its sound and practical views of a question which has by no means received sufficient attention. We must not forget that the duties of diplomatists have materially altered in recent times. Formerly, they were merely the mouthpieces of their courts; they were chiefly occupied with dynastic questions. Now, they are often important members of the government of their country; their advice may be inestimable, if they are efficient men; the able performance of their duties may nearly concern unnumbered millions. The time is gone by when a little French and a well-powdered peruke were sufficient for an ambassador or any of his staff. It is impossible, therefore, to avoid wishing that men of more marked importance and ability should be sent henceforth, both as ambassadors and attachés, to conduct the diplomatic business of the world; to extend the blessings of commerce and the arts; to ripen international friendships, to efface illiberal prejudices; and to save us from years of war, misery, and disorder.

High civil and military functionaries are sometimes attached, therefore, to the embassies of foreign states; and with very excellent reason. Such persons, however, do not belong to the ordinary staff of attachés, who are generally so ill chosen that a German writer indignantly exclaims, "An ambassador would usually find better auxiliaries at the Foundling." *

Interpreters. Interpreters are now employed for the most part only in embassies out of Europe. Their duty is to translate official documents, and to interpret the conversation of their chiefs at official interviews. The interpreters employed by the Turkish government in their negotiations with ambassadors accredited to the Porte, were in former times usually functionaries of very high rank. They were nearly always Greeks, and they soon contrived to get the entire business of foreign affairs into their hands. It was from them that the hospodars of the rich provinces of Moldavia and Wallachia were almost constantly chosen. Since the outbreak of the Greek revolution, however, the Greeks have lost much of their power and influence at the Porte.

The duties of interpreter require the utmost honesty and delicacy. The Porte was quite right in giving her interpreters distinguished rank and emoluments. A sound negotiator is not always a clever linguist, and he must therefore employ somebody who is; that somebody must be thoroughly trustworthy, for he will often have it in

* Vide Kölle, p. 124.

his power to make or mar the objects of his chief. The interpreters of the embassies at Constantinople have higher salaries than the secretaries of embassy and legation: still they are not beyond temptation; they do not form part of the diplomatic corps, as they ought to do; their position in society is not recognised; they are not looked upon as gentlemen. This is a very serious mistake, for they have literally all the business of the embassies in their hands; they are the official messengers between the Porte and the embassies; they are the real ambassadors; all depends on their tact, prudence, and ability. On ordinary occasions it is useless for an ambassador to make a long, solemn, pompous visit to a person who cannot understand a word he says. Therefore, he sends a dragoman, who is received without fuss or ceremony; states his mission simply, without forms or absurdities; and sometimes gets a plain and satisfactory answer. Bjoernstohl, in his "Letters from the East," however, I am afraid said very truly that there were perhaps not five dragomen who could interpret correctly the most trifling official document. The muddle into which affairs must get, where they are singularly important and complicated, and yet are clearly understood by no party concerned, is better imagined than described. In short, the dragomen at Constantinople are a most perplexing race; and it will not be kind or courteous to say anything more about them.*

* The word Dragoman is said to be derived from the Turkish

Chaplains. A chaplain is usually among the suite of an ambassador,* when his religion is not that of the country in which he resides, and no church is established there for the celebration of its rites. The rights and privileges of embassy chaplains are sometimes defined by special laws. The chaplains to the Prussian embassies enjoy the same power over their flock as in Prussia.

Messengers. The custom of transmitting letters and despatches by messengers long preceded the establishment of a regular post. Domestic letter-carriers are frequently mentioned in Roman history as forming part of the household of patricians and rich men.* Slaves were sometimes employed as letter-carriers among the Romans, but the office was one of trust, and letters were only confided to those who knew the roads well and could read and write. Indeed, a Roman letter-carrier was usually entrusted with the contents of the epistles sent by him, and was despatched as a sort of living commentary upon them. He explained that which was obscure, and added such details as might be demanded of him. Cicero's Dionysius seems to have been a messenger of this kind, though he was also tutor in the orator's family.† If a Roman was obliged

word *trédjuman*, or the Arabic *tordjeman*, *trogman* from *targem*, to translate.

* Cicero ad Fam. i. 2, ep. 7.

† Cicero ad Att. i. 7, ep. 4, 7; i. 8, ep. 7. Dionysius appears, in the end, to have turned out badly, and Cicero exclaims pathetically (ad Att. i. 1, ep. 13), "Alas! where shall I find another postman?"

to employ an ordinary slave as messenger, he mentioned the circumstance in his letter as something unusual. There appears, however, even in Rome, to have existed something not very unlike a public post and parcels' delivery company; for certain contractors, merchants, and public functionaries kept a number of messengers in common. These messengers were under public protection, and enjoyed some peculiar privileges. Official messengers, or couriers, in modern times are persons sent by governments with official despatches on important occasions. In England they are usually called queen's messengers; abroad they are better known as "*couriers de cabinet.*" These messengers were formerly among the most valuable servants of the government. They were able to bear personal testimony to the truth of important events; and their reports must have been often singularly interesting to generations by whom newspapers were unknown. They travelled usually on horseback, and thus became intimately acquainted with the state of many countries through which ordinary travellers would not have been permitted to pass in safety. Their life was indeed hard and adventurous; but yet, considering the great advantages that might have been reaped from their observation and sagacity, it has always appeared strange that a higher and more intelligent class of men were not employed by far-sighted ministers than the mere hard-riders and worthless persons of which the messengers' corps was generally com-

posed till within this last twenty years. There seems to have been something shocking to the ears of gentlemen in the name of messenger; but their duties, rightly considered, were scarcely beneath the attention of a rising statesman or an ambitious soldier. Men of rank and talent submitted gratefully to be shelved in the pompous tedium and inactivity of a petty court, but a *protégé* of Grenville or Fox would have felt insulted had it been proposed to him to obtain a sound practical view of the government and institutions of many countries under the offensive name of a messenger. Thus, though the emoluments of these appointments have been always good, and their duties both agreeable and instructive, such is the morbid vanity of mankind, that they were formerly but little sought.

It was not till the sixteenth century that the general establishment of post-offices in Europe partly delivered diplomacy from the expense of couriers on ordinary occasions. This expense, always considerable, was proportionably infinitely greater than now. The journey of a courier from Florence to Paris in the sixteenth century appears to have cost between seventy and eighty scudi. The Italian envoys in France were, strange to say, the first who availed themselves of the royal post for the transmission of their despatches whenever the time of departure was suitable. The economical Florentine ambassadors frequently profited also by the correspondence of the merchants or money-changers, and

transmitted their official correspondence by the same opportunities, bearing only half the expense of a messenger.

When Machiavelli was at the court of France in 1500, he sent his despatches through the great mercantile house of *Dei* at Lyons, who transmitted them with their own correspondence. If despatches were sent by a private hand or through the ordinary post, exact copies were always taken, and forwarded by the next opportunity.

The rights of government couriers were very ill-defined by international law; and instances of their having been arrested and outraged are disgracefully frequent. Thus, Messer Paolo di Arezzo was sent, in 1526, from Clement VII., with important propositions to France and Spain; but all the power of the Vatican did not preserve him from being arrested by Francis I.; and he was only liberated after the most earnest remonstrances. Couriers are divided into two classes—ordinary and extraordinary. The former are sent regularly to certain places to carry letters and despatches which are not to be confided to the post; while the latter are only employed on special occasions as circumstances require. These messengers are appointed and paid by government.*

In Turkey, among the officers under the

* Moser, Kleine Schriften, Bd. iv. s. 178 (Der Courier nach seinen Rechten und Pflichten); G. F. de Martens, Précis, tom. ii. p. 142; Baron Ch. de Martens, Guide Dipl., tom. i. p. 115.

immediate control of the kiaja bey, or minister of the interior, is the tatar agassi (aga of the Tatars, or state couriers). There are in all about a hundred messengers or Tatars, who are employed, however, almost entirely within the sultan's dominions, and are seldom sent abroad.

Government couriers have an official dress or uniform and a badge of office. In Russia and Prussia they are called feld-jägers, and are a regularly organised corps. The feld-jägers are employed usually in time of war, and are sent with despatches between the generals and the war-office. The rate at which they travel is surprising.

Special couriers are sometimes appointed by ambassadors on extraordinary occasions. Secretaries of legation, attachés, or officers of high rank, are sometimes sent with very urgent and important despatches. Formerly, all despatches from the King of Prussia to his envoys at the court of St. Petersburg were sent by officers in the army. Now they are confided to feld-jägers, who, however, hold the rank of officers. Moser says, very truly, also, that when an ambassador has anything particularly fortunate to communicate, he usually sends one of his own friends or relations with the despatch, "to furnish them with the means of advancement."

The regulations of different states with respect to couriers are little in unison. In the holy Roman empire they were under the supervision of the oberst-hofmeister, or high-steward. In

France they were formerly under the exclusive control of the prime minister; and both the Marquis de Louvois and Cardinal Fleury delighted to add to their other titles that of "grand maître des couriers." At present they are chiefly under the orders of the minister for foreign affairs. In England, however, messengers are sometimes employed, both by the home and colonial secretaries.

With respect to the sending of couriers, Callière says, very justly, "Lorsqu'on a des avis importans à donner, il ne faut pas épargner la dépense des couriers extraordinaires pour en diligenter, et en assurer la réception; mais il ne faut pas aussi donner légèrement des avis mal sûrs par des exprès, comme il arrive souvent aux négociateurs nouveaux et peu expérimentés."

Positive instructions are sometimes given to envoys respecting the despatch of couriers; and in any case it is well that there should be a clear understanding on the subject. James II. in his exile complained bitterly of the needless expense of couriers; and it is as well for ambassadors to remember that other sovereigns not in exile may do the same—so may a sovereign people.

Couriers are sometimes sent by very wily envoys as an excuse to avoid the adoption of any precipitate measure without further communication with their government, or to gain time for further negotiation. In secret missions, however, the coming and going of couriers is especially to be avoided, as their very appearance always arouses

the suspicions of the curious and the comments of the idle. If the despatches of an envoy, therefore, contain such combustible matter that he dare not confide them to the post, he had often better forward them through the couriers of a friendly power, rather than employ messengers of his own. Couriers are not sent by governments only with instructions to their envoys at foreign courts, but also with any tidings which may influence negotiations on either side.

When a courier is sent by a superior to an inferior, upon some matter which requires neither haste or secresy, this is to be considered an especial mark of courtesy or favour. Sometimes, also, the sending of a courier has been especially stipulated for by a foreign court, to make the satisfaction offered for some offence to it more public. In the year 1709, Clement XI. was thus required to send a special and extraordinary courier to Barcelona with his formal recognition of Charles III. of Spain.*

It was frequently stipulated in treaties between states that the appointment of a new ambassador on either side should be notified by special courier, particularly when the ambassador was to be received at the frontiers and entertained at the public expense. Thus, in the treaty of peace concluded between Russia and Poland in the year 1672, we find in art. ii.: "Adventus

* See Lettres de M. Jean de Witt, &c., tom. ii. p. 528; Mémoires, &c., de Bellièvre et de Sillery, tom. i. p. 5; Mémoires, &c., du Comte d'Estrades, tom. i. pp. 2, 3.

utriusque solennis legationis per præmissos præcursores in antecessum, more consueto, denuncietur."

Sometimes, in cases of imminent danger or difficulty, a courier is entrusted with a verbal communication instead of a written despatch. This precaution is especially useful in critical positions, in case the murder or death of the courier should cause a despatch to fall into the hands of an enemy. Sometimes, also, an ambassador may have some reason of crooked policy for desiring to prove that he has neither sent despatches to his government, nor received any, within a certain time.* Should there be any reason to doubt the safe arrival of a courier, copies of his despatches, in cipher, are usually sent by post, or any other convenient opportunity which may offer. As all ciphers can be deciphered, the chances of secresy in such a case, as well as the real value of couriers in modern times, are sufficiently indicated.

It is needless to say that, in any case, despatches given to a courier should be so firmly secured as to bear the brunt of a journey without injury, and to prevent the possibility of their coming open by accident. A courier is seldom made acquainted with the contents of any written despatches entrusted to him. Sometimes, however, the importance of his despatches is particularly impressed upon him, to induce him to take extraor-

* See Moser, Bd. iv. s. 206; Mercure Hollandois, 1675, p. 406, &c.

dinary precautions against the improper curiosity of other governments.* Sometimes, when the necessity of secresy is supposed to be very great, even the despatches confided to a government courier are written in cipher, lest they should be betrayed by accident or design.

In time of peace, couriers enjoy perfect inviolability for their persons and their despatches, and a free passage through all friendly states. All civilised nations have united in recognising the inviolability of couriers in time of peace; and we frequently find their rights clearly defined and regulated by treaties.† Sometimes they were provided with an escort, and maintained at the public expense in the states through which they passed.

Government couriers are always entitled to claim the promptest means of proceeding on their way, and enjoy a preference in this respect over all other travellers.

Whether the despatches of a courier who comes from a district suspected of the plague, or other infectious disorder, may be taken into quarantine, has often been disputed; but it seems only

* See the Memoirs of the Count d'Estrades (v. iv. p. 644), with the Letters of Jean de Witt (tom. i. p. 72), and D'Arlington (p. 296), with respect to this paragraph.

† Vide Treaty of Alliance between France and Sweden in 1638, art. x.; Dumont, Corps Diplomatique, &c., tom. vi. pt. i. p. 164; Treaty of Peace between Sweden and Russia in 1661, art. ix.; Suspension of Hostilities between Poland and Russia, 30 Jan. 1607, art. xix.; Treaty of Commerce between Sweden and the Netherlands in 1675, art. xv.; Peace of Passarowitz between Russia and the Porte, 1718, art. xiii. &c.

reasonable that no exception should be made for him in this case. If a courier infringes the quarantine regulations, therefore, he does so at his peril, and may be justly deprived of his rights in consequence.

The baggage of a courier is usually considered exempt from search; and in some places he is freed from the taxes on travellers, such as barrier-dues, turnpikes, bridge-tolls, &c. It is understood, however, that he shall not abuse this indulgence, or carry any articles for himself or others, liable to pay duty. Instances are frequent where couriers suspected of smuggling have forfeited their privileges. In 1819, a Turkish courier endeavoured to smuggle no less than 16,000*l.* worth of shawls. He was of course arrested, though he stoutly declared that his luggage contained nothing but despatches under the seal of the government.

Couriers, therefore, cannot demand that their baggage shall be exempt from search generally; but packages sealed with official seals * are in no case liable to be examined or disturbed.

Before a courier can claim his privileges, he must clearly identify himself either by his passports or his badge of office. The latter has not always been sufficient, however; and a courier who would suffer no delay must take especial care of his passports.

* See Moser, Kleine Schriften, &c., Bd. vii. s. 17; Bd. iv. s. 413: Baron Ch. de Martens, Guide Diplomatique, tom. i. p. 116; G. F. de Martens, Précis du Droit des Gens Moderne (nouv. ed. 1831), tom. ii. p. 143.

An ambassador must sometimes procure passports for his couriers from the minister of foreign affairs at the court where he resides; or if, according to routine, he has the power to grant passports to the courier himself, such passports must be countersigned by the local authorities. A courier's passport may usually be obtained without difficulty in time of peace, and its refusal would even be considered as an insult; although it has been sometimes refused on important political grounds. When governments have very anxiously desired to preserve secresy respecting some particular circumstances, postmasters have been forbidden to furnish horses for the frontier, and to detain all couriers about to leave their territory.

Couriers have no claim to any ceremony or official honours at their reception; though formerly, when they brought joyful tidings, their entrance into a city was sometimes made an occasion of public festivity. In 1717, a courier who was sent to the imperial ambassador at Rome, with an account of the capture of Belgrade, made his entry into the city wearing a laurel crown. His horse was also decorated in the same manner, and probably with better reason. In the "Europaïsches Fama" (part xxix. p. 365) there is an account of a courier who made his entry in a sort of triumphal car, bearing the standards captured in a great victory. It is melancholy to reflect how the importance of government messengers has declined in these days of railroads and telegraphs.

Nevertheless, they like to make a little noise in a foreign capital now and then. We have therefore several comparatively recent instances of their thinking proper to announce their advent by blowing a horn. As, however, there is the authority of a song, which obtained considerable popularity in its day, that "a horn is not a thing to laugh to scorn," perhaps the less we say on the subject the better. The couriers who carried the news of the treaty of peace at Paris, in 1814, eagerly seized on this opportunity of creating a sensation, and their joyful notes were heard at every capital in Europe. We are not informed, however, whether they underwent a previous course of study with an individual whose mania for musicians introduced him about this time to the astounded diplomacy of Great Britain.*

The chief duties of couriers are, to travel with the utmost speed possible; to take every precaution against delays and impediments on their journeys; and to avoid the roads on which they might be exposed to danger.

When a courier is sent to several courts, he must not be improperly detained by the envoy at any particular court, or prevented from proceeding upon his journey.

The greatest attention must be paid to the security of despatches; and, if possible, a courier

* See Moser, Kleine Schriften, &c. Bd. iv. s. 240—243, 461; Mercure Historique et Politique, 1751, p. 596; De Montgon, Mémoires, tom. iv. p. 457; J. Schmelzing, Th. ii. p. 224; De Martens, Guide Diplomatique, &c. tom. i. p. 116.

should never suffer them to be removed an instant from his presence. The despatches given to couriers are usually placed in leather bags carefully tied up and sealed. Sometimes, if not too numerous, they are placed in a leather bag locked and suspended round the body by a strap. In former times, however, every art of ingenuity was sometimes exhausted to prevent the discovery and seizure of important despatches. They were wrapped round the bullets of pistols, and did the duty of wadding. They were cunningly inserted in rings, watches, swords, daggers, lockets, sticks, and riding-whips; in the hollow tube of a spur; in the lining of a saddle or a hat. They were sewn in clothes or boots, and even written on the wearer's linen. The inside of bulbous fruits were carefully scooped out for their reception. They were inscribed on a few split beans, at the bottom of a snuff-box; and even in snuff-boxes which had a false bottom. They were scratched on the stem of a feather in a horseman's cap. They were written in milk and invisible ink. Nothing that Invention herself could have conceived was left untried to guard against the violence of dishonest curiosity,—and tried too often in vain.

It is needless to say that a courier is enjoined secresy on all political matters which may come to his knowledge.

If a courier is unable to reach any place where an agent of his own government resides, by reason of sickness or approaching death; if there is no person near to whom he can confide his

trust; and if the danger of his decease is imminent, he will do well to destroy his despatches. His instructions will, however, usually point out whether in such a case it will be desirable for him to send them on by post.

Couriers are not allowed to carry private letters or parcels, without special permission; still less are they allowed to take prohibited goods, or such as are liable to duty.

They must deliver all despatches in person at the place of their destination. Formerly, however, a courier who brought the hat of a newly-appointed Cardinal to France was obliged to deliver it, with the accompanying letter, to the *king*, from whose hands the new cardinal received the formal confirmation of his dignity.

A courier usually receives the expenses of his journey in advance, or has permission to draw bills upon his government for such sums as he may require. His drafts, however, must be countersigned by the ambassador or envoy at the nearest court; or sometimes diplomatic agents are empowered to pay couriers such reasonable sums as they may require, and charge them in an extraordinary account. Some countries, also, pay their representatives at foreign courts a fixed sum annually for the expenses of couriers. It is particularly worthy of observation that, in such cases, despatches are usually sent by post, and the secret affairs of these missions are very curiously diminished immediately—probably by some hidden principle of economy (political, of

course), which miraculously comes into action. To a cursory observer it would appear as if ambassadors were more fond of fuss and importance than desirous of paying the expense of it. When therefore they can indulge this reasonable taste without the cost thereof they are mightily satisfied, but the moment there is anything to be saved or gained by them through dispensing with needless mystery, no more messengers, war-steamers, special trains, or hocus-pocus, are required. Mystery, in the abstract, is a fine thing. I am afraid it is sometimes a profitable thing. I have heard of some mysterious gentlemen who carry on a very funny little game, in which a Jewish private secretary and secresy, and foreign funds, and the great Caucasian house of Abraham, Isaac, and Jacob, are all unaccountably mixed up. I have observed those gentlemen with much serene joy and satisfaction. I am bound to say that I have formed my own opinion with respect to diplomatic mysteries in consequence. I apprehend they constitute a very good business, and have a brisk sale. Some mysterious gentlemen are in correspondence with newspapers on laudatory terms. This is, of course, far too nice a recreation to be interfered with. Some are frightened to death that the nonsense and folly of their conduct and negotiations may be made apparent, and bring about their dismissal in these strange times. Some are literally ashamed of the laughable insignificance of their despatches, and wrap them up in secresy (as

Moorish beauties wear their veils) to save them from the scorn and scoffing of all men. The most touching little incident of this kind, however, a well-known European scandal, is related of a fashionable little family of diplomatists who *all* borrowed money from the representative of a great banking stockbroker. The secret affairs of those fashionable diplomatists were kept in the most laudable obscurity. The riddle of the Sphinx, the mysteries of ancient creeds, were easy guessing to the wondrous things which were (might, could, or should have been) concocted behind the impenetrable veil shrouding these fashionable diplomatists. They made but one exception to this rule. It was in favour of the stockbroker; and a more thriving and mysterious set of fellows never blundered together in the dark, made wild mischief, as we saw too late, and now sneer at their public in prosperous infamy.

I am sorry to refer to these circumstances; but the misfortune is, that if one makes a general charge, an indignant army of expectant younger sons cry out—Where are your proofs? If you adduce plain, notorious, indisputable facts, such as are a general scandal and laughing-stock throughout Europe, the same set of exasperating dunces change their note, and exclaim, Oh! the Layard! oh! the calumniator! till ordinary men, who wish to point out a revolting and shocking abuse, really do not know how to state it so as to please them. They are like the drummer, who is fain to mutter in despair, "Flog ye how I will, ye are

never pleased!" But enough of these sauntering and highly connected gentry.

Couriers are generally ordered to travel at a certain rate, circumstances permitting. In many countries there are express regulations that every person shall make way for a courier; and post stations have been sometimes specially established for them, particularly during general congresses or conferences for peace.*

Couriers are sometimes sent regularly between places where there is no post, even although they may not be the bearers of diplomatic despatches. Such couriers very lately passed once a week between Constantinople and Vienna. Couriers sent by private persons cannot lay claim to the same rights and privileges as those employed by governments.† The remuneration given for the services of couriers varies very much. Regular couriers—such as queen's messengers, couriers de cabinet, feld-jägers—generally receive a fixed salary, as well as special allowances during their journeys.

The bearer of important tidings is sometimes recompensed with immediate promotion, especially if he have suffered from danger and difficulty upon his journey. For English queen's messengers, and for them only, is no promotion or

* See Actes et Mémoires de la Paix d'Utrecht, tom. i. p. 254; Mémoires du Cardinal de Retz, tom. iii. p. 91; Ambassades de M. de la Boderie en Angleterre sous le Regne de Henri IV., &c., tom. i. p. 27.

† Compare Frid. de Marselaer, lib. ii. p. 626; Moser, vol. iv. p. 464.

reward for good services, however arduous. A set of as fine frank enterprising gentlemen as ever wore boots are condemned all their lives to remain in a false and subordinate position; to be insulted by the insufferable sneers and lofty ignorance of Foreign-Office clerks, and to feel that the best-directed energy and the most honourable and serviceable ambition is useless to them. A happy idea, which would make the fortune of a *foreign* officer employed on such a service, is received by our official wiseacres with a cold sneer, and men who might be employed with singular advantage to the country are converted into mere postmen, with a dulness and stupidity on the part of the Foreign-Office which would be ridiculous if it was not sad. We have several men among our queen's messengers who are men of high ability, keen observers, whose experience might be precious to us; men of infinite resource, courage, and judgment, yet we ignore in them the existence of any higher quality than a stout constitution, and leave their minds to fester with discontent, or rust away in the apathy of despair. A queen's messenger is like a British parson—once a messenger, always a messenger—whose attempt to escape from thraldom is a theme for smart jokes or illiberal and absurd opposition.

Couriers in foreign countries are frequently paid according to their rank, men of high consideration being often employed in the transmission of serious intelligence. Sometimes, when money cannot be offered to a personage of

distinction, he receives a snuff-box, a decoration, or a watch. He is frequently also presented to the sovereign.

Occasionally couriers travel at their own cost, in anticipation of a reward on their arrival at the place of their destination. A newly-chosen cardinal, if absent from Rome, was obliged to present the messenger who brought him the hat with 800 or 1000 crowns. Of this sum, however, one-third (after deducting travelling expenses) was ultimately received by the cardinal-secretary of state, another third by the postmaster-general, and the remaining third only was retained by the courier himself.*

Couriers in war-time.

In war-time there is generally no security for the enemy's couriers, who are intercepted as frequently as possible. This is not contrary to the law of nations; and when hostilities have commenced, the couriers of enemies and their allies may be arrested, and their despatches lawfully seized.† A clause to this effect is sometimes inserted in declarations of war. For this reason it is usual in truces or negotiations for peace to agree for the safe passage of couriers on both sides,‡ and to give them passports or an escort when necessary. In general, also, powers waging

* Compare Lunadoro, Nella Relazione della Corte di Roma, p. 86; De Montgon, Mémoires, &c., tom. vi. p. 193.

† Compare Schmelzing, Th. ii. s. 225; Pölitz, Praktisches Völkerrecht, &c. s. 312; Klüber, Bd. i. s. 310; Rousset, Recueil, &c., tom. xviii. p. 362.

‡ See De Martens, Guide Diplomatique, &c, tom. i. p. 117; Heffter, Des Europäische Völkerrecht der Gegenwart, s. 239.

war recognise the inviolability of couriers sent from one side to the other, or to and from a peace congress.

The envoy of a neutral power may not exercise his privilege of sending couriers through the territory of another neutral power for the purpose of forwarding a correspondence with the enemies of the latter. Sometimes all the allies, on both sides, refuse the passage of each other's couriers through any part of their territories. Despatches, however, are not necessarily very bulky things, and we have already explained that there are means enough of sending them in such a manner as to defy detection.*

There exists manifestly a difference between

* See De Martens, Précis du Droit des Gens Moderne, &c. (nouv. ed. 1831), tom. ii. p. 143, for the usages respecting couriers in time of war. Pinheiro-Ferreira (not. 57, p. 371), however, comments very sensibly on this passage whan he says, "M. de Martens a sans doute pensé qu'il suffisait de se borner à rapporter les usages adoptés par toutes ou par quelques unes des nations, sans en témoigner son approbation, pour que le lecteur dût croire qu'il les blâmait. Il aurait peut-être raison s'il mettait une différence dans la manière de rapporter les bons et les mauvais usages; mais en racontant indifféremment les uns et les autres, les lecteurs, et surtout la jeunesse, à laquelle son ouvrage est spécialement destiné, ne sauraient distinguer lesquels il approuve et lesquels il condamne. Nous croyons qu'il désapprouvait, comme un véritable attentat au droit des nations et des hommes, l'usage qu'il mentionne dans cet alinea, de se saisir, en temps de guerre, des malles des courriers, à moins qu'il n'y ait entre les nations belligérantes une convention expresse et contraire. Nous entendons parler des courriers porteurs de la correspondance générale, car, pour celle du gouvernement, on ne saurait mettre en doute qu'en sa qualité de moyen de guerre l'ennemi est en droit de s'en saisir. Lorsqu'il sera question, au livre suivant, des droits et des devoirs des puissances en guerre, nous rendrons raison de la distinction que nous venons de faire entre la correspondance générale et celle des gouvernemens belligérans."

the letters and correspondence of private persons and official despatches. The latter are intercepted in time of war, because they are a means of carrying on hostilities. The former, however, are often allowed to reach their destination, though, of course, even more than usually subject to inspection by the way.

The smallest violence offered to the person of a courier in time of peace, is undeniably a gross infraction of the law of nations. De Vattel tells us, that the states-general of the Netherlands unanimously declared, during the embassy of the President Jeannin, that to open the letters of a public minister was a distinct violation of the law of nations; and Wicquefort, Schmelzing, Klüber, with the two De Martens, all support the same view, as that so honourably taken by their High Mightinesses.

If, however, adds Vattel,* (and I apprehend there can be no doubt whatever on the question,) an ambassador has first violated the law of nations, by mixing himself in political conspiracies and intrigues, his couriers may be seized to discover his accomplices, and he may be even arrested and interrogated in person.

On the 17th of June, 1739, near the village of Zancha, in Silesia, was murdered Major Sinclair. He was an officer in the service of the King of Sweden, and then travelling as courier between Constantinople and Stockholm. This circum-

* Tom. ii. p. 160. See also M. C. de Martens, Causes célèbres, &c., tom. i. p. 143; tom. ii. p. 471.

stance is, therefore, in the manifesto of 1742, as one of the causes of Sweden's declaration of war against Russia.

Outrages upon couriers have been often sternly resented on other occasions. It follows, therefore, that couriers should always endeavour to conduct themselves with peace and propriety, and that any person offering them unjustifiable offence should be punished with unusual severity.

It has sometimes been disputed, whether couriers could claim their usual privileges while passing through the territory of a prince notoriously at variance with their own sovereigns, though not actually at war with them. The most eminent authorities, however, have decided that a courier cannot be legally detained, or his despatches seized till after hostilities have positively commenced.

CHAPTER XIV.

Privileges of an Ambassador's Family.—His Wife.—Sextus V. first acknowledges the title of Ambassadress.—Gallantry of the Pope.—First Dispute for Precedence.—An irritated Ladydom.—A Panic in Diplomacy.—Magnificence of Ambassadresses at the Congress of Westphalia.—Prudence of the Maréchal d'Estrades.—A Public Entry.—The College of Cardinals.—The Privilege of the Stool.—Kisses.—Shocking Occurrence at Stockholm in 1782.—Anecdotes: France, England, Sardinia, and Spain.—Comfortable Custom at the Vatican.—Visiting.—The title of Excellency.—Court Mourning.—Presents and Honours.—A Good Custom of the French King is imitated by the Grand Turk.—Religion.—Lady Temple.—Lady Hamilton.

Privileges of an Ambassador's Family.

THE whole of an ambassador's family, and especially his wife, are peculiarly under the protection of the state in which he resides. It is not, however, altogether correct to say that the family of an ambassador share all the privileges of his rank and order; for his children, and any relations who may reside with him, are merely treated as strangers of similar condition. The custom of courts has, by degrees, made an exception in favour of an ambassador's wife, to whom special honours are often accorded, but even in her case they have been frequently disputed.*

An Ambassador's Wife.

* See Klüber, vol. i. p. 310; Heffter, p. 360; compare also Vattel, tom. ii. p. 159, and the Guide Diplomatique, tom. i. p. 114.

Grotius makes no mention whatever of the wives of ambassadors. Though, as he was himself ambassador at the punctilious court of France, he must have been well aware if any honours were due to his wife, who accompanied him. De Wicquefort, Bynkershoek, and Moser make only a few desultory remarks* on the subject. Moser,† however, has the merit of having collected the scattered opinions of the other authorities, and arranged them in some order. More recent commentators on the rights of legation evade the question altogether, or mention it in a very cursory and unsatisfactory manner. The position of ambassadors' wives is very much that of the wives of Scotch lords of session, and it is said that James I. decided *their* rank. "*I*," said the pedant king, in one of his lucid intervals, between quoting Latin and slobbering his courtiers, "*I* made the carles lords, but who made the carlines ladies?"

In remote times, he who was sent on an embassy, usually left his wife at home; but when, during the seventeenth century, permanent embassies came generally into fashion, ambassadors' wives remonstrated with such urgency, loudness, and eloquence, that they were ever afterwards entreated to follow their husbands, and by all means to take their clamorous little tongues with them. Then, first was heard the title of "ambas-

* See Bynkershoek, de Foro Legatorum, c. xv.

† See Kleine Schriften, Bd. iii. s. 133—331 (Die Gesandten nach ihren Rechten und Pflichten.)

sadress," with which these ladies bedecked and caparisoned themselves. In 1649, a French envoy at the Hague, a profane single man who had paid no attention to the important revolution going on in the diplomatic world, shrugged his bachelor shoulders on the arrival of a Spanish ambassador's wife, and immediately wrote home to his government, "*que c'était une ambassade hermaphrodite:*"* a jest which delighted the wits of the French court vastly.

Italy has the honour of having given a title to ambassadors' wives, as satisfactory as it is long, and as euphonious as dignified.

It is usually pronounced by a groom of the chambers (the best authority on such subjects), with his head haughtily thrown back, his nose in the air, his left foot foremost, and his hands involuntarily extended. I will not, however, take it upon myself to say that this posture is absolutely necessary, for I think I have seen some persons who can pronounce it sitting.

Sextus V. first acknowledges the title of Ambassadress.

Sextus the Fifth was the love of a pope, who first bestowed this lengthy and beautiful title on ambassadors' wives. It is said to have been given as a particular mark of courtesy towards the Count Olivarez (a judicious statesman, who notoriously flourished under female rule), Spanish ambassador at the Vatican. The count (father of the still more celebrated minister of Philip the

* See Bynkershoek, c. xv. § 7; Gregorio Leti, part vi. p. 693 ("Ambasciatrice quando, e dove cominciasse a nomarsi tale"); Guide Diplomatique, tom. i. p. 113.

Fourth) immediately seized on the opportunity as a pretext for a sumptuous banquet to the Roman ladies; and it need scarcely be added that Spanish interests at once became popular, for irresistible tongues were advocating them all day long, and all night, for ever afterwards, during that generation.

Gallantry of the Pope.

The pope was by no means a potentate, accustomed to do things by halves. Having once agreed to confer the title of ambassadress upon the Countess Olivarez, he determined that she should forthwith enjoy all the honours of that distinguished rank. He admitted her at once to the proud privilege of kissing his toe, and the nieces of all the cardinals remarked, with pardonable envy, that he received her on the auspicious occasion with the ceremony due to a royal princess.* Henceforth, her rank was established, and she immediately began to quarrel for precedence with the princesses of Colonna and Orsini, so that no one could ever venture to invite them to the same house together again. Meantime, it soon became apparent to the pope, that since he had granted a fine bran new title to the Spanish ambassadress, he must concede the same rank to the wives of other ambassadors, or prepare to leave the Vatican, as the only means left him of escaping from an irritated ladydom. To any person who has enjoyed favourable opportunities of becoming

First dispute for precedence.

An irritated ladydom.

* See Dumont, Cérémoniel, &c., tom. ii. p. 177; Moser, Kleine Schriften, Bd. iii. p. 137.

acquainted with the vigorous proceedings adopted by a band of ladies, all of one mind on some particular subject, it need not be a matter of surprise, that the pope submitted without venturing upon a parley. He was painfully aware that negotiations must have added to his humiliation; and henceforth the wives of all ambassadors have held their own, under the august title of Ambassadress. Woe to those who do not religiously bow down before a title bestowed by a pope, and worn by a lady! It were wiser for an Irish rogue upon his trial to forget to say "yer lardship" to the judge!

Pope Sixtus the Fifth, however, was little aware of the aspiring nature of the feminine soul, or it is a question if he would not rather have endured an honourable martyrdom to assure the peace of the world rather than have taken this fatal step. He might have shut himself up in the Vatican, and excommunicated the turbulent womanocracy in his nightcap from an upper window. The thunders of the church in those days struck terror into the hearts of the bravest. Perhaps they might have availed him something; or if he had held out to the last, and then died valiantly, unyielding, he would have been entitled to the respect and affection of every usher and master of ceremonies in Europe.

A panic in diplomacy.

The ambassadresses no sooner got their title than they resolved to display it in as public a manner as possible. Quiet, sober, old diplomatists, all tricks and wig, were promptly married by

blooming and strong-minded young females. Widows of large fortune and a taste for society lay in wait for tottering elderly gentlemen, who might have been their grandfathers, and bore them off in spite of senile struggles to the nearest clergyman. There was quite a mania for ambassadors among marriageable ladies. Numerous females who had long disappeared miraculously in company with a plate-chest and a captain in the Guards, turned up again in the most unexpected and distressing manner. They threatened their husbands with suits in Doctors' Commons and Consistory Courts, unless they were immediately gratified by the fullest restitution of conjugal rights. Other energetic ladies who had kept their virtue till it was sour, and had hitherto submitted to be stowed away in holes or corners, started off with great decision to the most distant foreign courts; and ambassadors who were whispering sweet nothings (in the interest of their country, of course) to the most distinguished beauties of Paris and Madrid were horror-stricken at receiving a well-known box on the ear, and an order to take larger lodgings, from an awful person, with a false front and an antediluvian bonnet, whom they had not seen these twenty years. Diplomacy, from being rather a jolly profession than otherwise, became as gloomy as the private life of a comic actor, and most of the small-legged, knock-kneed, dried-up little beaux, in peach-blossom coats, who were among the diplomatic celebrities of those times, thought of the pope with a bitterness

and impotence of anger, which was the laughter of all the pages and equerries in Europe.

Magnificence of ambassadresses at the Congress of Westphalia.

The new ambassadresses appeared with such dignity and magnificence at the congress of Westphalia, that no business could go on because of them. At last their husbands were obliged to rise during the very smallest hours of the morning, steal secretly out of their houses, and meet by stealth, to invent some means by which the papal plague of ambassadresses could be in some measure mitigated. The French ambassadresses of course found them out. Those active ladies were not to be caught napping, and they at once raised the signal of revolt. Their husbands in dismay turned traitors to the cause of their colleagues. The ambassadresses insisted on a formal regulation acknowledging their right to enjoy all the honours and privileges of their new rank. And we find the imperial ambassador Vollmar transscribing the following passage in his diary, which shows that Victory never deserts the sex.—"Martis 5. hujus (1614) cum Servientum (legatum Gallicum) adventare nunciaretur, sub vesperas misit ad me comes Avausius ex suis, qui idem nunciaret, et simul cum ipso ejus Uxorem, et appellabat *Dominam Legatam.* Gratias egi pro indicio et quod jam aliunde nobis innotuisset, mandasse nos obviam ire quosdam e nostris cum rhedis salutatum, eundemque honorem Dominæ Conjugi, quem ipsi legatio, exhibitum iri, quod *Uxor coruscet viri dignitate.*" *

* Ad Contreji Corp. Jur. Publ., &c., tom. iv. p. 45. Ambas-

The pretensions of ambassadresses in the end became so troublesome, that some courts refused to treat them with any ceremony whatever, although they were contented to leave them their titles and immunities. At the court of the Emperor of Germany ambassadresses were not recognised at all. In England their titles were allowed, but their right of precedence contested. In France—the paradise of women—they were treated with more distinction than anywhere out of Italy; for the disturbance they created at Rome appears to have overawed the pope and the other Italian sovereigns for ever afterwards. In Spain and Sweden they also received unusual honours. Vattel (v. ii. p. 159), however, frankly confesses, that to refuse them anything was to affront their husbands, and that as nothing ever went right after incurring their displeasure, their claims were usually allowed. Gregorio Leti (pt. i. p. 131,) takes the other side, and maintains "Chi offende la moglie de ambasciatore non offende il carattère." It would undoubtedly have been imprudent, however, to put the ungallant theory of the Italian into practice.

From the moment an ambassadress enters the territory of the sovereign to whom her husband is accredited, she becomes entitled to the rights and privileges of the rank there accorded to her. It

sadresses, by the way, only enjoy their rank and privileges abroad, and while at the court to which their husband is accredited. At home, affairs are altered. In any case, however, their importance will be a matter of sincere and rational delight to a philosophical beholder.

depends, however, altogether on social customs, and the state of political affairs, whether she is treated with any ceremony whatever in passing through the dominions of a third power. The court of Great Britain sends a royal yacht to fetch an ambassadress of the first class, in conformity with an ancient custom.* The honours shown to an ambassadress travelling without her husband are not so great as they would be if she were travelling with him. A husband, therefore, though not generally an agreeable travelling companion, is not on this occasion so much out of place as usual. Perhaps it would be a valuable suggestion, to recommend his being locked up in a separate carriage, and taken out like a passport to be exhibited to the authorities, when wanted. Sometimes ambassadresses, however, who have left their husbands elsewhere, have insisted on being received with salvos of artillery, and carried their point triumphantly.

It is generally understood that an ambassadress travelling incognito must submit to all the rules and regulations affecting ordinary travellers. She generally contrives, however, that her rank and power shall become known at the smallest village where she stops. She must also be provided with a passport, or a safe-conduct, if traversing a hostile territory. An ambassadress is usually received at the nearest station by her obedient husband and respectful suite, who offer her a

* Vide Moser, Kleine Schriften, Bd. iii. s. 155; Miruss, Gesandschafts Recht, vol. i. p. 252, § 228.

dutiful welcome, and the homage which is clearly her due. Foreign courts, however, usually decline to participate in these proceedings, and courtiers prefer as a rule to await an invitation to the dinner which generally takes place shortly after her excellency's fortunate advent.

Prudence of Maréchal d'Estrades.

The Maréchal d'Estrades, French ambassador at the Congress of Nimuegen, was so nervously anxious to display his fealty to his wife and suzerain lady, that he fled from his post at her approach, and rushed off (attended by the warm sympathies of all his married colleagues) to Mook on the Maas, and there received her excellency on landing. It is gratifying to state that the maréchal's conduct obtained her excellency's approval, and that dignitary was congratulated on his return at having escaped ulterior consequences by this prompt and graceful movement. Several other ambassadresses, however, taunted their husbands bitterly for not having done the same.

A public entry.

In cases where ambassadors have made a public entry into a city, their wives have not usually considered it good taste to exhibit themselves as part of the pageant: nevertheless, when the Marquis de Lavardin, a French ambassador, made his solemn entry into Rome, on the 16th November, 1687, his wife and daughter insisted on getting up beside him in the same coach, and amused themselves in flirting with two cardinals (picked up by the way) throughout the whole of the ceremony.* At the Swedish court, also, an ambas-

* See Lünig, p. 678.

sador's wife was not only allowed to show her beauty and grandeur to the good folk of Stockholm on such occasions, but both ambassador and ambassadress dined in great glory at the king's expense afterwards.*

The College of Cardinals.

The whole College of Cardinals think it necessary to welcome an ambassadress at Rome, and it has been hinted that this is one of the most pleasing of their duties. The pope being a sovereign prince, however, can scarcely make the first call at an ambassador's house; but no sooner has his excellency been received at an official audience, than away goes the pope very prudently to pay his respects to *her* excellency. Indeed, the popes have thus acquired such an approved character for gallantry, that in no country does there exist a more cheerful state of society between the court and the diplomatic corps as within the States of the Church.

The privilege of the stool.

Ambassadresses formerly possessed a very singular privilege, and probably do so still. It is called the privilege of the tabouret, or that of sitting on a stool in the presence of empresses and queens.†

The wives of ambassadors formerly received a special audience from the sovereign: those of envoys and other ministers were merely presented at court in the regular way.

Although, as I have said, the wives of *ambas-*

* See Lettres de M. de Witt, tom. iv. p. 255.

† See De Martens, Guide Diplomatique, tom. i. p. 114; Heffter, p. 360, &c.

sadors at the old court of France were received with extraordinary distinction, the wives of envoys and ministers of a lower class were treated almost with disrespect. In the Memoirs of Saintôt (p. 120) I find they were subject to a cruel indignity. When they were presented at court, they were only allowed to salute the king in the same way as ordinary ladies! His majesty did not even kiss them!! Lastly, when they appeared before the sons and daughters of France (*fils et filles de France*) they were neither kissed nor asked to be seated!!!* Now, that any ladies should be deprived of their fair share of kissing in this way, I hold to be utterly intolerable; and I need scarcely add that they never rested day or night till they had made ambassadors of their husbands, and thus won the right of claiming the kisses justly due to them. The wives of envoys of the third class and secretaries of legation, or attachés, are merely presented at court in the usual way. At Vienna, however, the wives of secretaries of legation are shamefully excluded from the court balls. The demand for secretaries of legation as marriageable articles decreases therefore rapidly when there is any probability of their being sent to the court of his imperial royal apostolic majesty. Kisses.

There was a great dispute at Stockholm, in 1782. The wife of the Austrian envoy (a diplomatist of the second class) actually refused to kiss the queen's hand unless her majesty gave her a return kiss on the cheek in the same Shocking occurrence at Stockholm, in 1782.

* See Moser, Bd. iii. s. 165.

manner as to the wives of senators. Here was a pretty business. The queen refused to receive her at all; and resolved to be revenged on the bumptious little Austrian. Her majesty watched an opportunity with female patience and address. It came as all opportunities of punishing insolence do come if we wait for them. The Austrian lady went to a ball at the town-hall. Austrian ladies dance very well, and I dare say she liked it. She little knew the sleepless vivacity of a royal pique. Immediately the royal family arrived, and they probably came on purpose, the master of the ceremonies approached her with his most official countenance. Let a country gentleman ask for a passport at our British Foreign Office and he will get an idea of the offended majesty which glowed in the master of the ceremonies' eyes on this occasion: a quaint picture of the lofty and absurd.

"Sir," said the little lady, stopping in her capers very unwillingly, "you interrupt me."

The official mouth moved with an official whisper.

The Austrian could not or would not hear, but she blushed scarlet, and her eyes filled with tears.

Again the official mouth moved. Its words were not very plain or polite, official words seldom are, but their purport for a wonder was intelligible. "She had not been presented, and therefore could not remain within the august precincts of the royal circle!"

I am bound to say that I would not have sat at meat that evening with the offended lady—no, not

to have been introduced to an accommodating bill-discounter the next morning. The queen had had her revenge, but the insult so rankled that she who had received it never rested till her husband had solicited his recall and stirred up the imperial court to resent the affront. This woman's quarrel about a kiss interrupted all international business between Austria and Sweden during no less than six years, for another envoy was not sent to Stockholm till 1788.

The obscure birth of a diplomatist's wife cannot be allowed as a valid excuse for excluding her from court.*

Anecdotes.

A distinguished traveller used to tell an odd story as to a dispute touching the reception of a Spanish minister's wife. This lady was not received at court, not because she was merely of low birth, but because she had committed the indiscretion of having been found out in an intrigue with the notorious Prince of the Peace. Her husband was of course instructed by his spouse to refuse to submit tamely to the indignity offered to her. There were many ladies about the court, she urged with great truth, who were quite as bad as she was, or perhaps worse; and as to their not having been found out, she did not see what that mattered, for anybody might find them out who pleased. Therefore her husband wrote an official letter of remonstrance, in which he argued the point with unanswerable force and frankness. "My wife," said he, in this sensible document,

* See Schmelzing, Th. ii. p. 160.

"as the wife of the minister of Spain, is a public woman, in the same manner as I am a public man, and therefore she ought to be received at court."

"Pardon, M. le Ministre," returned the obdurate organ of a cruel court, "that is the very reason why she is not received."

There is an old court story also I remember hearing more years ago than I like to remember, about a buxom diplomatic dame who was refused admission to the prim court of Queen Charlotte for very similar reasons. She was so indignant that it was thought prudent to send Lord R. to pacify her. He found her unmanageable till he looked at her mysteriously, and asked if she did not remember to have incautiously dropped a few words in praise of revolutions?

"I!" exclaimed the lady aghast. "I forget my duty to my beloved sovereign!"

"*Hush!*" said the peer, who found he had hazarded too much. "I have no doubt this delicate matter may be arranged hereafter." Of course it never was, but the vanity of the lady was appeased, and she consoled herself to the day of her death with the idea that she had been excluded from the court of Great Britain on account of her political principles.

France, England, Sardinia, and Spain.

Formerly ambassadresses at the courts of France, England, Sardinia, and Spain went to court in the royal carriages on their first audience. They were usually attended by a gentleman usher, and their carriage was drawn by six horses. The royal guards were drawn up on the road on either

side, and an escort sometimes accompanied the carriage. The usages at the reception, however, differed greatly. At the court of France, an ambassadress was allowed* to sit on a stool; at the court of England, she was obliged to stand with the other ladies; at the Vatican, three cushions were placed on the ground for her seat. On the whole, I think the pope displayed the soundest judgment in his arrangement, for three cushions form undoubtedly a pleasanter seat than a stool.

Comfortable custom at the Vatican.

After the first formal audience an ambassadress had a right to attend the great parties of the court. At the court of France, in the assemblies of the queen, or the dinner and supper parties of the king, the welcome stool was always placed ready for her. She sat with the princesses of the blood royal and took the first vacant place, but could not claim any precedence among them. Great festivals were sometimes given in her honour.

Visiting.

According to the custom of most courts, an ambassadress receives the first visit from the wives of all other envoys; but an ambassadress pays the first visit to all the princesses of the reigning house. Visits thus made to an archduchess of Austria were not returned; at other courts an ambassadress often received a return-visit even from the princesses of the blood. It was usually expected that she should return the visits of the wives of ministers of inferior rank, although she took precedence of them on all occasions.

Some crusty, rusty ministers and envoys of inferior rank to ambassadors, did not always choose to yield precedence to ambassadresses, and sometimes incurred bitter female enmities in consequence. Prudent or gallant men, of course, gave up the point with a bow, and marched after them at court festivals with becoming submission and decorum. There was so much irritation among them, however, on these subjects, that persons who were obliged to ask a bevy of diplomatists to dinner, found their houses turned into a battle-field at once. Ladies and gentlemen of flushed faces and determined looks kept their eyes sternly fixed on the door, and their feet advanced ready for a spring. Every diplomatist and his lady was determined to get through first or break the rest of the company's ribs in the attempt. Their hosts thought with dismay on the riot his well-meaning hospitalities had provoked, and the whole party perspired in silence and indignation. At last, some high official personage, who was constantly inconvenienced by such scenes, and loved to dine in peace, suggested that his guests should always draw lots for precedence, while another and a happier wit took a wrinkle from our King Arthur, and invented a round table.* It was by no means easy even then, however, to make things pleasant.

Moser tells us that ambassadresses claimed precedence over the princesses of those ancient families in Germany and Italy, who can all trace their

* See Miruss, v. i. p. 257.

descent in a direct line from the eldest son of Noah; and in De Lamberty's Memoirs (v. ii. p. 164) there is a long account of an awful dispute about precedence between Madame Lillieroth, the Swedish ambassadress, and the Countess *Hoorne*, which convulsed society at the Hague, in 1700. Heffter (p. 360), states that the court of England made ambassadresses walk after countesses. No wonder Great Britain has always been so unpopular abroad. Such an insult must have influenced every court in Europe against us.

The title of Excellency. The title of Excellency is now most properly given to the wives of ambassadors, though formerly it was sometimes refused. It is the most natural and fitting title indeed for every lady—a mere synonyme for female.

An ambassadress may use a carriage-and-six in the same manner as her husband. In France she had the privilege of driving also into the Louvre, an honour granted in the chivalrous and lady-loving days of Henry IV.

Court mourning. When an ambassador puts on court mourning, his wife may do the same; a circumstance which has sometimes given quite an official air to her milliner's bill, and enabled her to maintain the necessity of every item with great truth and spirit.

Presents and honours. Ambassadresses in former times were often honoured with especial marks of royal favour and distinction. Thus, on the marriage of Henrietta of France to King Charles in 1625, the wife of the French ambassador (De Chevreuse)

enjoyed the proud felicity of presenting her new majesty's shift, and conducting her to the nuptial couch upon the wedding night.*

A pleasing custom of the French king.

A singular custom was long prevalent at the court of France, though its origin is discreetly shrouded in mystery. On the accouchement of the wife of the Venetian ambassador, the king himself stood godfather to the baby, held it at the baptismal font with a fatherly tenderness, not always simulated, and made it rich presents.†

Is imitated by the Grand Turk.

This appeared so good a custom to the Grand Turk that he hastened to imitate it. Thus, in the Mercure Historique et Politique for 1749 (p. 627) we have the following suggestive little anecdote:—"Les dernières nouvelles de Constantinople qui nous sont venues par la voie de Vénise et par celle de Livourne, portent que la Comtesse de Désalleurs, épouse de l'ambassadeur de France en cette cour là et née Princesse Lubomirska, y était accouchée d'une fille, et que le Grand Seigneur n'en avait pas été plutôt informé, *qu'il en avait fait faire des complimens à leur Excellences*, et remettre en même temps des présens très magnifiques pour l'enfant." The Mercure Historique does not allude to the sensations of the French ambassador at receiving unexpected felicitations from his highness on such an occasion; but so unaccountable are the thoughts and so sad is the ingratitude of man, that it is probable they were not of that thankful

* See Mémoires du Comte de Brienne, tom. i. p. 227.

† Vide Moser, Bd. iii. s. 316.

and contented nature which might have been reasonably expected. A stranger, even though a king, cannot share the joys of paternity even with an ambassador, lest he give occasion to the smiles of the scoffer. Ambassadresses usually receive presents also on their departure from a foreign court; but they could not *insist* upon them in the same manner as their husbands, nor was the value of such presents regulated. If it was desirable that an ambassadress should be influenced in favour of any particular scheme, or if she had captivated the king, she of course received a large gift to purchase her good-will; if not she received a small one, or none. Charles XII. of Sweden ordered four hundred dollars (the usual donation to resident ministers) to be paid to the widow of the Dutch envoy Rumpf, on her return to Holland. The papal court, however, always behaved well on these occasions. The cardinals were mostly gay, old single gentlemen, who set a proper value on an ambassadress, and knew how to treat her. If she was troublesome, however, the pope merely sent her the politest of blessings or St. Somebody's tooth, and besought her to depart at once with these precious things to her own country.

The wife of Erizo, Venetian ambassador at the court of France in 1695, received an enormous present from the king. I should like to have seen her picture, for I have no doubt that she must have been a lady of the greatest attractions; and indeed I think the Venetian ladies

are the pleasantest, if not the prettiest, in all Italy.

Religion. An ambassadress may have a private chapel for the performance of her religious duties, if she does not profess the same faith as that established in the country where she resides.

If she attend the religious processions of the Roman Catholic church, she is entitled to the same precedence as on other occasions,—but pshaw, this is carrying vanity and worldliness to the gates of heaven!

An ambassadress cannot be required to worship the symbols of a strange faith.

In cases, however, where an ambassadress professes neither the faith of her husband nor of the country in which she resides, she is subject to certain restrictions. The rule in such cases now is, that she has no claim to establish a private chapel in places where the members of her sect do not enjoy the right of public or private worship.*

An ambassador may officially demand satisfaction for any affront offered to his wife, direct or indirect, verbal or otherwise.

An ambassadress cannot be cited before the tribunal of the sovereign at whose court she is residing for debt; nor can execution be in any manner issued against her person or effects.†

Amelot ‡ mentions that the Venetian envoys

* Vide Klüber, Bd. i. p. 311; Heffter, p. 360.

† Vide Bynkershoek, De Foro Legatorum, cap. xv. § 4; De Wicquefort, tom. ii. p. 437; Moser, Bd. iii. s. 292.

‡ Histoire du Gouvernement de Vénise, tom. i. p. 36.

who were accompanied to foreign courts by their wives, were held accountable for any faults the latter might commit. He does not, however, specify the nature of the faults, and it must have been but a hard task at best to look for them.

Sometimes the ambassador's wife has been employed in state affairs by mutual consent, in cases where it was supposed that her co-operation might be useful. The wife of Sir William Temple played a prominent part in state affairs during his embassy to Holland. She negotiated a marriage which was destined to change the history of Europe,—that between William of Orange and the Princess Mary. She carried on a long correspondence both with the king and the Duke of York; and even travelled expressly to England on the subject.* I think, however, the wives of several of the members of the statesman house of Temple have been among the most remarkable women of their time.

The extraordinary career of Lady Hamilton at the court of Naples will be fresh in the minds of most readers, and I could scarcely furnish an apter illustration of the folly of that theory which condemns one half the world as triflers for the jaunty frolics of a few.

The rights and privileges granted to an ambassador's family cease legally at his death. In practice, however, they are permitted to enjoy their former privileges till they quit the kingdom to which he was sent, if they propose to do so

* Vide Ludolf's Schaubühne, Th. v. s. 299.

within a definite period, or till they declare their intention of remaining there, and retiring into private life.

On returning to their own country, they are permitted to withdraw their property free from all taxation or deductions.

The succession to a deceased ambassador's property is regulated by the laws of his own country, but the point remains unsettled whether claims upon it can be enforced in the country where he has resided or otherwise. Several of the most esteemed commentators of modern times are of opinion that such claims can be enforced if satisfactorily proved.* The question is by no means clearly decided, however; for supposing that the privileges possessed undoubtedly by the envoy during his life, to be conceded to his family and dependents till they are able to leave the country, it would appear that the assets of the deceased would be exempt from executions in the same manner as if he were still alive. The fact is, however, let lawyers and philosophers reason as they will, it is ill dealing with clamorous creditors.

In cases where envoys have bought estates and died before the purchase-money was paid, or all paid, their estates are liable for such moneys as may remain due; providing always that the agreement to purchase rests on indisputable evidence. There is no period fixed at which

* See Heffter, for instance, p. 372; but he is only one authority among many.

the wife and family of a deceased ambassador or envoy may be considered as having become subject to the laws of the country to which he was sent. Even after a long series of years it may be doubtful, under some circumstances, to what extent they may not claim their privileges. The widows of the Dutch envoys received from the states-general a reimbursement of their travelling expenses only when their return home took place within twelve months. Formerly, if an ambassador died at the court of France, the king immediately sent a message of condolence to the widow.*

It need scarcely be mentioned that an ambassador's widow receives no return credentials. There is only one instance indeed to the contrary on record. Charles XII. gave return credentials to the widow of the Dutch resident Rumpf. They were couched in the most gracious terms, and manifested the particular esteem which the late envoy had acquired during his stay at the court of Sweden.†

All persons in the private service of an ambassador, including his livery servants, stand under the protection of the Law of Nations, and are not subject to the jurisdiction of the local tribunals.

De Vattel (tom ii. p. 159) says boldly, "L'inviolabilité de l'ambassadeur se communique aux

* See Moser (F. C. and J. J.), Schmelzing, Klüber, De Martens, Heffter, Reuss, and Kluft, Hist. Feder. Belg. Fed., tom. ii. p. 572.
† See Moser, Bd. iii. s. 330.

gens de sa suite, et son indépendance s'étend à toute se qui forme sa maison. Toutes ces personnes lui sont tellement attachées, qu'elles suivent son sort; elles dépendent de lui seul immédiatement, et sont exemptés de la jurisdiction du pays, où elles ne se trouvent qu'avec cette réserve. L'ambassadeur doit les protéger, et on ne peut les insulter sans l'insulter lui-même. Si les domestiques et toute la maison d'un ministre étranger ne dépendoient pas de lui uniquement, on sent avec quelle facilité il pourroit être molesté, inquiété et troublé dans l'exercice de ses fonctions. Ces maximes sont reconnues partout aujourd'hui, et confirmée par l'usage."

A foreign state may, however, limit the number of persons in his employment. Sometimes special laws compel an envoy to keep within reasonable bounds in this respect.

At congresses, it has often been found convenient for ambassadors to make a general agreement to place their servants under the local authorities. This was done at the congresses of Osnabruck, Münster, Nimuegen, and Utrecht.

There is no doubt that an ambassador, by discharging the servants he has engaged in a foreign country, again subjects them to the jurisdiction of the local authorities.

The servants of an ambassador may be arrested, if caught in the actual commission of any illegal act. In such cases, however, it will be necessary to act with great courtesy and caution. A Portuguese proclamation of the 11th

December, 1748, went so far as to declare an envoy's household amenable to the laws, and pronounced their privileges to be forfeited by any criminal offence. The household of an ambassador has no right whatever to the other privileges of legation.*

* Vide Glafey, Moser, Bielefeld, Schmelzing, Klüber, C. de Martens, De Wicquefort, Heffter, and Uhlich (Droits des Ambassadeurs et des autres Ministres Publics, &c., p. 37.)

CHAPTER XV.

Duties of Ambassadors.—Minister for Foreign Affairs.—His Duties.—Labours.—Patronage: in America, in the Italian Republics, Florence, Venice.—An Ancient Ordinance.

Duties of Ambassadors.

THE duties of an ambassador are of various kinds. He is frequently in correspondence with his sovereign and the royal family of his own country, as well as with the members of the cabinet and other public men. His principal official correspondent and immediate superior is, however, the minister for foreign affairs.*

* Baron Ch. de Martens very sensibly sums up the causes which led to the establishment of this functionary as follows:—"La multiplication des rapports commerciaux, suite de la découverte du nouveau monde et de la nouvelle route de l'Inde, l'essor que prirent les relations littéraires par l'invention de l'imprimerie accrues par la réformation, l'influence respective des états entre eux et leur danger commun à l'égard des puissances prépondérantes, telles furent les causes qui, vers la fin du seizième siècle, obligèrent les gouvernemens à entretenir entre eux des négociations continuelles, la plupart du temps trop compliquées pour être traitées par voie de correspondance et qui par conséquent rendaient souvent nécessaire l'envoi de ministres extraordinaires. Ce furent les cours des grandes puissances de l'Europe qui, les rapports politiques et les vues plus étendues de leurs cabinets se multipliant de plus en plus, sentirent la nécessité de s'observer et de se surveiller réciproquement, et pour cet effet commencèrent à s'envoyer mutuellement des agens diplomatiques en mission fixe. C'est depuis la paix de Westphalie et celle d'Utrecht, et plus encore à dater du ministère du Cardinal de Richelieu, que l'Europe se trouva sous l'influence d'une foule d'agens diplomatiques mis en action perpetuelle par la

Perhaps there is no officer of state in modern times whose duties are of importance at all to be compared to those of a minister for foreign affairs. He should be a man of approved sagacity, extensive experience—popular at home and respected abroad. An error in the administration of the home department or the colonies can be often set right by after reflection and prudent measures, while a single false step in the management of foreign affairs may entail the most fatal and inevitable consequences. The slightest want of caution—a word improperly spoken—may be the origin of endless trouble. It is indispensable that a minister for foreign affairs should possess a thorough practical knowledge of the geographical position and advantages of every portion of the empire whose interests are confided to his care. He should be thoroughly aware of her commercial interests, her wants and her resources. He should know exactly all the rights and privileges secured to her by treaty or convention. He should clearly understand, and conscientiously agree with, the political principles and objects

Minister for Foreign Affairs.

politique remuante de ce ministre; et cet ordre de choses s'étant développé de plus en plus, les nations se trouvent aujourd'hui sous la surveillance constante et active de la diplomatie. Les relations au dehors devenues ainsi plus fréquentes et plus utiles entre toutes les puissances, rendirent bientôt nécessaire la formation d'un cabinet special, chargé de la correspondance politique et de la direction des affaires extérieures. De là l'origine de cette administration connue d'abord sous la dénomination de 'secrétariat des affaires étrangères et des dépêches,' de 'ministère des conférences' et de 'chancellerie d'état,' et qui fut désignée plus tard par 'ministère ou département des relations extérieures ou des affaires étrangères.' "—Vide vol. i. p. 19, Guide Diplomatique.

of any cabinet of which he may form part. If his opinions clash with those of the rest of the government he should retire. He should endeavour to acquire the earliest information on all matters of interest abroad, in order to be able to act with vigour and promptitude to frustrate any designs which may be projected against the welfare of his country.* He should be, if possible, on terms of personal intimacy and friendship with the statesmen who possess influence or authority in other countries.

Opinion of Louis Philippe.

Louis Philippe had an odd idea that the late Duke of Wellington should always have been secretary for foreign affairs in England, irrespective of all other changes in the ministry. Perhaps, however, in reality, few men could have been more thoroughly unfit for such an office. He was neither conciliatory, courteous, or tolerant, and a foreign minister should certainly be all three. Lord Holland was fond of telling a story about Godoy, the notorious Prince of the Peace, who was at one time minister for foreign affairs in Spain. His lordship informs us that this statesman did not know the difference between Russia and Prussia—he considered them as one and the same. The envoy from the Hanse Towns he also addressed officially as "*de las Islas Asiaticas.*" This brings us to the hacknied remark of Oxenstiern and the little knowledge it requires to rule the world. The truth is, men who take a prominent part in political affairs

* See De Martens, Guide Diplomatique, pp. 22, 23.

have often read and learned surprisingly little. Walpole used to brag of his ignorance; neither *Kaunitz* or *Schwartzenburg* had any book learning; and it would not be hard to point out a dozen living statesmen who have almost a contempt for print. A man placed at the head of affairs, however, can hardly help becoming well informed at last, if he pays the smallest attention to the events of his every-day life. A statesman of great natural abilities will carry on his department a thousand times better than all the precedent-hunters in the world. Common sense and sound judgment are really more useful in important business than every other quality combined. Clerks and subordinates may grub up musty records and stale nonsense if they please, a statesman, in the real sense of the word, should deal with *facts*, and *make* good rules where he cannot find them. General regulations seldom apply to particular cases. Business is almost made up of particular cases. An important event does not occur once in 500 years under precisely the same circumstances, and therefore good sense is of more avail than learning.

In negotiations with the envoys of foreign powers, a minister for foreign affairs acts in the name and with the authority of his sovereign. All manifestos and other documents on foreign affairs are published in his name. All official correspondence from foreign powers is addressed to him. Credentials, full powers, and instructions for all diplomatic agents at foreign courts

His Duties.

are drawn up under his direction. The ceremonies in use at the reception of foreign ambassadors are generally decided by him. He is usually employed to negotiate the marriages of princes and princesses of the blood-royal, and to notify to foreign courts their birth or decease. In many states the government archives are confided to his custody. In England, he has the chief control of the consular service; and though foreign consuls are usually placed under the supervision of the minister of commerce, they nevertheless receive certain instructions from the foreign-office, even when not employed as chargés d'affaires. The office of minister for foreign affairs requires, therefore, not only commanding talents but unwearied activity. If he would be even moderately acquainted with the details of his business, he must work considerably harder than a poor author or a lawyer's clerk. Should any one doubt of this, and take it upon themselves to fancy that the extraordinary amount of labour known to have been performed by Lord Palmerston during the long time he was foreign secretary in England, might have been just as well curtailed, let them read M. de Flassan's amusing account of the daily life of D'Argenson, minister of the debonnair Louis XV.

Labours.

"M. D'Argenson," (says the historian of French diplomacy), "pendant tout le temps de son ministère, se piqua d'une grande assiduité au travail. Levé à cinq heures, ils commençait sa correspondance; et à neuf, il renvoyait à ses quatre chefs

de bureau tout le travail du jour préparé et arrêté. Il avait habitué ses employés à faire des extraits de toutes les dépêches et offices ; ce qui lui servait à rapporter sommairement au conseil les affaires qui méritaient moins de discussions. Quant aux réponses à faire, ce ministre en écrivait l'esprit en marge ; et avec ses appostilles, on composait les dépêches pour les ministres au dehors. Indépendamment de ce travail des bureaux, le ministre écrivait les lettres les plus essentielles ou les plus délicates. Il rédigait encore des mémoires et des récapitulations pour le Roi, des projets, des plans, des agenda pour sa propre conduite, pour ses avis au conseil, et plus particulièrement pour le travail avec le Roi, ainsi que pour ce qu'il avait à demander ou à répondre aux ministres étrangers."

The sweets of patronage may be now and then some compensation for all this, but a man *must* get rich and weary of being flattered and toadied by hungry place-hunters at last. In the republic of America, also, and some other states, even the sweets of patronage are cruelly diminished, and ambassadors, ministers, consuls, &c., may be only nominated " by, and with the advice and consent of the senate."*

Patronage.

In America.

The appointments of ambassadors, &c., also, under absolute governments, are usually made by the sovereign himself, so that the minister for foreign affairs is again deprived of his reward.

In the Italian Republics.

M. De Reumont, in his treatise on Italian

* See Story's Commentaries.

diplomatists, tells us, that in the old republics of Italy, the right of sending ambassadors belonged to different boards, or councils, which acted entirely independently of each other. At Florence they were chiefly nominated and instructed by the famous Council of Ten (Decemviri libertatis et pacis.)

At Florence.

Thus, in 1529, we find the Magistrato dell' Abbondanza instructing Carducci, the Florentine ambassador in Paris, to purchase corn for the necessities of the town. Machiavelli went to Venice in the year 1525, as deputy from the consuls of the clothworkers, (arte della lana?) to make representations in favour of the traders of Florence.

Venice.

In Venice, the envoys to foreign states were usually appointed by the council of the Pregadi. A law enacted by the Council of Ten, on the 31st of July, 1495, commands that the nobles appointed to foreign embassies, should be balloted for by the assembly. After the 17th of August, 1497, however, the right of appointing ambassadors was vested exclusively in the senate. That many public bodies, however, had previously possessed this privilege is manifest from an ancient ordinance, which I find commanded ambassadors always to send in their reports to the body which had appointed them.

It is as well to mention, also, that where the foreign secretary possesses the right of nominating diplomatists, the appointment must always be confirmed by the crown. The minister cannot, properly speaking, make the appointment himself.

CHAPTER XVI.



Despatches.—Paragraphs.—A Despatch should only treat of one Subject.—Trifling Occurrences.—Some Suggestions.—Practical Embassies.—Archives.—A Bright Idea.—A Good Way to Train Attachés.—If it could only be Kept Clean.—Passports.—Certificates.—A Suggestion.—Passports in Prussia.—In the Absolute Monarchies.—Jurisdiction of Ambassadors.—A Plain-spoken Briton at Madrid in 1819.—Common Lot of Go-betweens.—Warnings to Busy-Bodies.

THE despatches of an ambassador should not be merely dry reports. They should display keen observation, careful reflections, suggestions, and warnings. Their style should be terse and vigorous. Every sentence should be short, plain, and unequivocal in its meaning. There should be no false wit, glitter, or tropes and figures of speech. Fine writing is a most contemptible mistake in an official document. As many facts should be stated as possible, and all opinions supported by the reasons which led to their formation. A mysterious affectation of hidden wisdom is not only absurd—it is a cheat. An envoy is bound to give his government the fullest information and the soundest arguments he can find. He is placed in a post of trust and honour so to do; if he fails he commits a public fraud. As to any of the paltry tricks of wiseacres, they should be **Despatches.**

scornfully exposed and punished. If a man is fit for his post, he ought to be able to give the clearest and fullest information on every possible subject connected with it; if he is not and endeavours to conceal his culpable ignorance by more culpable shuffling, he should be at once removed from a profession where he is but living like a drone on the toil of better men.

There is no reason why a cheerful topic or an apt illustration should be excluded from a despatch. The story of even a court-ball, or a public dinner, well told, may let a flood of light on some momentous question. The writer, however, must be cautious to confine himself to the truth, the whole truth, and nothing but the truth, in the very strictest interpretation of those words. A certain dignity of language should be always preserved in a despatch. This does not exclude wit or humour, but it absolutely forbids flippancy or ribaldry. Even language that would be perfectly admissible in conversation, should be kept out of a despatch.

Simple truth and absolute good faith are the most important qualifications for a despatch writer. He should never gloze over anything to his own government. He should state frankly and fairly how he stands with the court, and what is the general feeling throughout the country with respect to the nation he represents. There is no greater mistake than living under the dread dominion of a secret. If an envoy commits an error he cannot have a more proper and safe con-

fidant than his official chief; and it is better to lose his place than his honour, for he can then be sometimes trusted again, with a good-humoured warning. If anything unexpectedly disagreeable occurs, he should mention it without the smallest concealment or hesitation. An envoy convicted of the dangerous trick of concealment, should be an envoy no more.

Doubtful news, or surmises, should be especially distinguished from facts and well-grounded probabilities. Reports should never be one-sided. An envoy should point out those things which tell against the views of his government, as well as those which speak for them. A despatch should always be so passionless and impartial in relating any occurrence, that no party concerned can possibly take exception to any statement it contains.

All unnecessary cause of offence and irritation, all harsh and censorious language, should be scrupulously avoided. An ambassador is neither a judge or an advocate when relating an occurrence to his own government. I have not much opinion of "*secret and confidential*" despatches in any case, but if they can ever be forgiven it is, perhaps, where their object is to spare humiliation to the feelings of private persons, who sometimes become unavoidably mixed up with some scandalous affair.

It is no doubt a painful thing for an envoy to be obliged to communicate mortifying or unwelcome intelligence to his government. He should

never, however, hesitate one moment to do so, if necessary; his mission is not to deceive his government, but to enlighten them; he should not, therefore, conceal a single fact or circumstance of importance, or alter one word of the language which has been held to him during an important interview. He should even study to convey faithfully the look, tone, and manner of the speaker—to realise the scene as nearly as possible.

By these means, and furnished with any collateral information he has been able to acquire, his government will at all events understand the precise state of affairs.

The reports of an ambassador commence with the first events after his arrival. His first official despatch usually details the manner of his reception; he should then, by diligent study of the despatches of his predecessor, and by any other means that may suggest themselves, endeavour to acquire the fullest and most accurate information as to the exact present state of the affairs between the countries. He should ascertain who are the most influential persons, and cultivate their acquaintance; he should then give his own court as finished and vivid a picture of the state of things as possible; he should try to describe the persons and characters of the official men with whom he negotiates, in such a graphic and forcible manner, that his own cabinet may know them almost intuitively.

A despatch which only mentions facts, and

neither enters into causes or motives, reads like an extract from an almanack. No circumstance, therefore, should be considered too minute or too important, which may contribute to their full elucidation.

An ambassador will do well to keep a diary of political occurrences, and have it always at his elbow, for reference, when writing a despatch.

If a despatch is very long, it may be divided into short paragraphs (each headed and numbered separately), with great advantage to clearness and facility of reference. Paragraphs to a long official document, are as useful as windows to a house. Paragraphs.

No more than one subject should ever be treated in one despatch; each despatch should, however, be as complete as possible. Details apparently trivial often become of the highest importance from subsequent events, or taken in connection with collateral circumstances. Nothing is more perplexing than the fragment of an affair. An ambassador should remember, also, that the seasonable report of some trifling occurrence may often lead to important deductions, when received at the same time as certain similar news from other places. An ambassador, however, should always know enough of the general state of politics to be able to judge of the collateral value of small events. A Despatch should only treat of one Subject. Trifling Occurrences.

If ambassadors were not to confine their correspondence so exclusively to the foreign office, it would be well. It may not be out of place here Some Suggestions.

to suggest that they might often be employed advantageously in furnishing data to the war office, the home office, the board of trade, the great law officers of the crown, and the heads of public schools, or the corresponding departments in various countries. It would be idle to weary the reader by dwelling on the incalculable value which their services, properly directed, would be for the improvement of our military and commercial affairs, our laws, and our schools. The advantage of thoroughly practical embassies would soon be felt throughout the whole world. Let us hope, earnestly hope, that the day may be near when the onward march of improvement may sweep away the fusty diplomatic absurdities of the past, and open out a new future, such as may establish peace, international friendship, with mutual assistance and good-will, among all the nations of the earth.

Practical Embassies.

Archives.

All embassies are obliged to keep records and registers of every transaction in which they are officially concerned; they are obliged to keep copies of all the despatches and papers that are sent from the embassy, and the originals of all that are received. These are called the archives. When an attaché is the only person left in charge of an embassy during the absence of the chief and the secretary, he is called "chargé des archives" instead of "chargé d'affaires."

A bright Idea.

Kölle says, very shrewdly, that a copying machine is the most trusty secretary for all

important documents, and a fire-place the most convenient depository for cancelled papers.

In foreign missions, the attachés usually write all despatches on ordinary occurrences; the ambassador only signs them. In English embassies, this is seldom the case. A good way to train attachés for their business, would be to make them draw up reports from their own observation of daily occurrences, for the inspection of their chief. The ideas of a fresh vigorous young mind, expressed without fear or hesitation, would often be of singular advantage, and suggest useful notions to the wisest. A good way to train Attachés.

If such reports were sent in to the foreign office at the end of the year, and promotion given to those who had most distinguished themselves, there would be a marvellous gain for all parties. It would do away with some natural heart-burning among the youngsters, also, if we made their promotion depend entirely on themselves, their knowledge of their profession, and their services to their country. If it could only be kept clean.

The chief of every diplomatic mission has the power of issuing passports, and is held responsible for their only being given to proper people. Every passport is therefore carefully registered, and usually countersigned by the attaché or secretary who delivers it. Passports.

Ambassadors are also frequently required to give life certificates, and to attest the legality of any document which may be required in suits before foreign tribunals. According, however, to a Certificates.

recommendation from the legal advisers of the crown, made in 1849 (re Bayliss), her Britannic majesty's missions abroad were interdicted from mixing themselves up in any way with private affairs. It is much to be desired, therefore, that certificates of births, deaths, marriages, &c., which may be required for production by foreign tribunals, should invariably bear some stamp, seal, or other official mark to prove their authenticity. Very serious results sometimes arise, in consequence of the omission of all apparent proof of their legality; and foreign judges have been known to reject them as evidence altogether.

A Suggestion.

Passports in Prussia.

With respect to passports, the duties of diplomatic agents are usually very strictly defined. Thus "The General Passport Edict" for Prussia empowers her envoys, residents, and chargés d'affaires accredited at foreign courts, her commercial agents, and consuls in foreign states, to issue passports; but only to Prussian subjects, diplomatists, and couriers. It declares also that the passports issued by foreign envoys at other courts to the subjects of their sovereign are valid for traversing Prussian states, provided they are duly countersigned by the police authorities at the frontiers and other stations." Prussia has, however, since altered this rule.

The same edict authorises foreign envoys, ministers resident, and chargés d'affaires at the court of Prussia to issue passports for quitting the Prussian dominions; but only to diplomatists, couriers, and subjects of their sovereign. Pass-

ports given to diplomatists must be countersigned by the minister for foreign affairs; and those given to other persons by the minister of police. Without such visas no passports are to be considered valid.

In the Absolute Monarchies.

The present system of passports in the absolute states is far too intricate for explanation. Indeed the granting or refusal of passports in absolute countries depends altogether on circumstances. Persons known to be friendly to the government have no difficulty, others have no facility. British agents abroad never refuse passports to British subjects. There is some difficulty, however, in distinguishing Greeks and Italians from Ionians and Maltese. A great many frauds, therefore, on the revenue of foreign countries are unavoidably committed.

If a person who has become a naturalised subject of any foreign state return afterwards to his own country, he cannot plead his naturalisation or any privileges thereto belonging against the authorities of his own country.

Passports and visas are given gratis at British embassies and missions. Foreign countries allow fees to be levied for them at their embassies and missions in the same manner as at our consulates. These fees are especially heavy at some of the Spanish and Italian missions. Russian travellers are subject to a heavy tax, but this is also regulated very much by circumstances.

Jurisdiction of Ambassadors.

There appears some doubt as to the extent to which an ambassador may interfere in the affairs

of the subjects of his sovereign. As a general rule they are only to be considered as under *the protection of the embassy.* They are only under the jurisdiction of the ambassador when he has been invested with special authority. He sometimes, however, exercises a kind of voluntary jurisdiction. On ordinary* occasions he is only authorised to support their interests with the government, and not by any means to endeavour to influence subaltern authorities or to interfere in the disputes of private persons with each other. If the rights of treaty have been infringed, or the law of nations violated, then, and then only, may he remonstrate officially. The utmost he can do in any other case is to countenance the claims of his countrymen by a simple recommendation to the authorities. Otherwise he might constantly run a risk of compromising the interests and peace of nations by some trifling and personal affair.

An ambassador should, however, always deem it both honourable and useful to be easy of access, liberal of advice when asked, and prompt to take an interest in the objects and welfare of the meanest of his countrymen. He should watch over their rights with vigilance, and be always ready to give them a smile and a good word when he can do nothing better for them.

An ambassador may always exert his influence to obtain judgment in suits pending before the local tribunals when any of his fellow country-

* Martens, Guide Dipl., &c., tom. i. p. 131.

men are implicated. He may endeavour also to obtain more equitable conditions if the decision has been unjust, or unduly severe towards them. This privilege, however, does not permit him to impede the course of justice in any way,* unless he has reason to believe that the authorities have been guilty of some irregularity at variance with the true law of the land. M. de Martens (Guide Diplomatique, tom. i. p. 134) says also, "Il peut se présenter encore un troisième cas où l'intervention officielle du ministre dans les actes de l'administration intérieure du gouvernement près duquel il est accrédité, devient à la fois un droit et une obligation. Si l'agent étranger, dont un des premiers devoirs est de rester au courant de la marche de la législation du pays ou il réside, s'aperçoit que telle ou telle loi ou ordonnance, bien que du ressort de l'administration intérieure, porte cependant quelque préjudice aux intérêts de l'état qu'il représente, il doit réclamer sur-le-champ, si la chose est d'une évidence incontestable ; ou bien, s'il croit pouvoir sans inconvénient ajourner la réclamation, il doit demander des instructions à son gouvernement."—"Par suite de ce même principe, si l'agent étranger, dont les concitoyens auraient réclamé la protection contre un jugement ou une décision des autorités du pays, est convaincu que la loi à laquelle les juges se sont conformés, est contraire, soit au droit des gens, soit aux conventions existantes entre les deux nations, il devra se prévaloir de cette

* See Schmelzing, Th. ii. s. 200.

occasion pour demander la révocation d'une telle loi."

The intercession or mediation of an envoy in matters relative to the private affairs of his countrymen, is not addressed to the local authorities, but to the court itself, or to the minister for foreign affairs. This may be done in speech or writing, according to circumstances.

A plain-spoken Briton at Madrid in 1819

Schmelzing tells a story of an Englishman of respectability who was at Madrid in 1819. There he thought proper to express publicly his abhorrence of the cruelties committed by the Spanish government. He was arrested and subjected to an examination, but immediately afterwards set at liberty on the application of the British ambassador. In our times, Britons who have got into scrapes with foreign authorities have not been so fortunate.

Any attempt on the part of an ambassador to interfere in the affairs of the subjects of another sovereign would of course be ill received and improper, unless he were also accredited by that sovereign, or left in temporary charge of the embassy by general consent.

In many states there exist stringent laws forbidding their subjects from seeking all aid or protection from foreign ambassadors.

Common Lot of Go-betweens.

Schmalz gives a pertinent example of the impropriety of all interference on the part of an ambassador with the affairs of any persons but the subjects of his own sovereign. It appears

that M. v. Hoey, the Dutch ambassador at Paris in 1746, was often entrusted with the transmission of propositions between France and England, which were then as usual at war. At last the Dutch diplomatist ventured so far, at the request of the court of Versailles, as to forward an application to London for clemency towards the pretender and his adherents. Motives of humanity are said to have induced him to do this. The court of St. James's, however, indignantly asked if he had been authorised by his government to act thus? and the end of the matter was that he received a severe reprimand from the states-general, and was reduced to the mortifying necessity of acknowledging his error and sending an apology for his presumption to the offended majesty of Great Britain.

Warnings to Busy-bodies.

An ambassador should in no case interfere with the internal government of the country in which he resides.

He should especially avoid uttering any censures on passing political events there, or on the acts of the government. He is neither a judge or a censor; he is merely an observer. If he does not take the same views of politics as the leading personages of the country in which he resides, he should be careful of expressing either dissent or approbation. After all, the comparative advantages of various systems of government are yet undecided, and a foreign court is not the place, or is a diplomatist on a conciliatory mission the *person* to argue against the established state

of things in any country.* Where we cannot applaud, however, and will not deceive, it is better to be silent. Nations must not be goaded into war because a blundering ambassador will blurt out his opinions; which after all, the experience of mankind may ultimately prove to be incorrect. In ancient times an ambassador seems to have been little better than a spy, an agitator, and a go-between. Let us get rid of such a contemptible idea of his duties as soon as possible.

In 1747, the British ambassador at Stockholm was very justly censured for committing a breach of the law of nations by interfering in the internal affairs of Sweden. In the capitulations of the Emperor Leopold II., dated 30th September, 1790, the eighteenth article expressly stipulates that no foreign ambassador shall henceforth be allowed to interfere with the government of the empire. A similar article will also be found in the capitulation of Francis II. (1792). The Prince de Repnin, however, the last Russian ambassador at the court of Poland, was the actual sovereign of the country.

In ordinary cases an ambassador should keep rigidly within the limit of his instructions, lest a spirit of meddling and interference should cause designs to be attributed to his government which they never entertained. His conduct is always watched by vigilant and unfriendly eyes enough.

* See Steph. Doletus, p. 123, "Legatus non vituperet gentis (in qua morata) mores, neque laudet, neque (et ignarus et leviusculus) miretur, sed dissimulet."

He is supposed to do nothing without instructions, and therefore he should be the more cautious of compromising himself by a single imprudent or unjustifiable act.

The generally received idea of a diplomatist is probably that laid down by Martens (Guide Dip., &c., tom. i. p. 137—141): "L'agent diplomatique n'a la faculté ni d'accorder, ni de refuser, ni de transiger; il doit se borner au simple exposé officiel des déterminations de sa cour. Mais s'il est un organe sans volonté, il ne doit pas être pour cela un organe sans intelligence. En énoncant les décisions dont il est l'interprète, il a l'obligation *d'en plaider la justice et de choisir le temps et les moyens d'en assurer le succès.* Sa responsabilité est tout entière dans sa fidélité, dans la connaissance des bornes de ses instructions, et dans son exactitude à y conformer sa conduite."—"Toutefois il est important de faire observer que dans toute instruction relative à une discussion de droit, il y a des degrès d'exigence ou de condescendance qui semblent laisser une grande latitude au discernement de celui qui doit agir; mais il ne doit pas s'y méprendre: la responsabilité d'un agent n'est pas déterminée seulement par les sacrifices qu'il peut faire ou l'exigence qu'il doit montrer, en mesurant sa conduite sur la marge que lui peut laisser la teneur de ses instructions; c'est à dire, qu'il ne suffit pas de bien faire pour mettre sa responsabilité à couvert, mais que le désir de faire le mieux possible, entre essentiellement dans les

devoirs de sa mission. Ce mieux possible doit être sans cesse en perspective devant lui, et en animant son zèle, encourager ses efforts ; et ce sera alors d'après ses efforts seuls, et non d'après les résultats, que sa conduite sera jugée," &c.

I do not quite agree with the opinion of De Martens, because it seems to me that the instructions given to an ambassador can never be sufficiently minute and ample to meet every possible emergency. It is as well, therefore, on the one hand, to leave as large a margin as possible, and on the other to take as little. An ambassador, however, is not a machine; he is a man, and should be a statesman, keen, prudent, observant, quick-witted. Therefore when he, being a sensible man, fully impressed with the advantages desired by his government, sees cause to deviate from the tenor of his instructions, it is quite as well that he should have the power to do so, bearing, of course, the entire hazard and responsibility of such conduct. It is unwise to check the inspirations of genius by dull rules, while the fear of consequences would always keep timid mediocrity in the ranks. An example occurs to me in support of this. Wolsey was despatched by Henry VII. on an embassy to Maximilian in the Netherlands; but he deviated altogether from the letter of his instructions to carry out the spirit, and thus laid the foundation of his fame and favour.

CHAPTER XVII.

M. le Coq in Morocco.—Emergencies.—The Art of Negotiating.—Small Diplomatists.—Public Rejoicings.—Means of Obtaining Information at Foreign Courts.—Responsibility of Ambassadors.—Negotiations in Writing.—Note Verbale.—Perfect Equality among Independent States.—The Latin Language.—The Languages of Diplomacy.

M. Le Coq in Morocco.

IT is sometimes not a little difficult to make the objects of a mission clear to the potentate with whom the diplomatist may have to negotiate. Semilasso gives us a very good story in point. It is about a certain M. le Coq, who was sent on a mission to Morocco, in order to recover indemnity for six Belgian vessels which had been plundered by the Moors. Fully persuaded that neither the sultan or his ministers knew half as much about Belgium as we know of the moon, he resolved gradually to enlighten them on the subject before entering on the business of his negotiation. At Gibraltar, therefore, he purchased an immense map, which he caused to be brightly coloured, and on which Belgium appeared one of the largest kingdoms of the earth. France, Holland, and Germany, were almost entirely swallowed up by the "Royaume de Belgique" of M. le Coq. Having thus secured his country so favourable a position, it was necessary to explain how it got

there, and as an illustration he chose the recent case of Algiers, the only state in the world of which the sultan or his ministers had probably any real knowledge. So the fluent tongue of M. le Coq proceeded to tell the sultan and his oozier that a contemptible people called the Dutch had in former times assailed the renowned kingdom of Belgium, much in the same way as that pestilent race the French had recently attacked Algiers. In the end, however, they had met with the fate which would infallibly await the French, and had been driven like chaff before the wind by the true believers of Belgium, who had thus recently regained their country. The sultan and his court were so enchanted by M. le Coq's historical knowledge and excellent principles, that they at once resolved to comply with his request, and entertained every proper respect for the kingdom of Belgium for some time afterwards.

My own personal experience, however, comes to my aid here, and I think I am able to say that M. le Coq's ruse was ultimately of disadvantage to his country, as tricks, however well meant, always are. I think the true size and importance of the "Royaume de Belgique" must have at last transpired, for I remember that a gentleman who was sent as consul to Morocco some years afterwards was very ill received, and I think suffered some insult from the authorities. The inevitable penalty of claiming too much respect, is to receive too little. Besides, M. le Coq was in the right, and there were a thousand ways by

which he could have accomplished his mission without any fanfaronade.

Emergencies.

One of the most important parts of an ambassador's duties is to be prepared for emergencies. He never knows what subject may suddenly grow of importance. If there are any dormant claims or matters of dispute between the two nations, he should carefully acquire and arrange every possible hint or information which may ultimately be of use. He should endeavour to form a judgment in advance on all points of contention likely to arise at any time between the two countries. He should have well digested memoranda on these subjects ready whenever occasion may require. If a case on which he has spent much care and pains should not come to an issue in his time, his judgment and experience may be of inestimable value to his successor, or they may serve as welcome hints to his government, in case of a similar discussion with any other state. Sometimes, also, a careful study of all existing relations between his own country and that to which he is accredited, may point out to him a favourable opportunity for obtaining the resignation of some claim which might menace future trouble or inconvenience. When an ambassador is fully up to his work he can make every clause in a treaty, every word in a clause, available for some useful object. This is a very different thing, however, to stirring up trouble. He must let well alone, but be always ready to seize an advantageous occasion of avert-

ing probable evils. His motto should be "Ready, ay ready!"

The Art of Negotiating.

Whatever be the line of policy an ambassador is directed to pursue, he should always endeavour to remain personally popular. He should thoroughly understand how to put a good face on a bad business. He should have a perfect command of temper and countenance. He should never allow a single personal feeling to interfere with his public duties. He should righteously guard against the vanity of endeavouring to bring his negotiations to a brilliant and speedy conclusion, lest it lead him into error and imprudence. Let us hope that no British gentleman could be now found to negotiate for unjust objects: while, if a negotiator has right on his side, he will seldom find any allies so valuable as time and caution; or any foe to success so redoubtable as haste.

He must be careful to distinguish between the language and intentions of those with whom he treats. He will find that people very often talk themselves into a complying mood; and even ministers are sometimes more anxious to be heard and admired for new and brilliant theories than desirous to enforce them. It is as well to give people credit for honesty of purpose if you wish them really to show it; for if we evince a vulgar disposition to suspect evil, our irritated adversaries will feel less scruple in verifying our suspicions. On the other hand, a wholesome vanity renders men desirous of proving them-

selves worthy of our good opinion. I apprehend that the prime fault of all recent negotiations with Russia was an evident predisposition to suspect her designs. A negotiator should not only be a sound and logical reasoner, but also a pleasant and a graceful one. His dissent should never carry a sting with it. He should be invulnerable to the very weapons he uses against others, and never suffer himself to be talked away from his point. He should be especially careful of suggesting objections for the purpose of refuting them, as such are sometimes eagerly caught at when the argument against him had been otherwise exhausted. This is giving ammunition to the enemy. Facts and logic from pleasant lips—these should be his strongest weapons. People cannot and should not be wheedled out of improper concessions. Unhappily, however, public men as well as private ones are led more by their interests and passions than by their reason, so that a keen insight into human nature will always be necessary to the success of a negotiator in the best sense of the word.

Perhaps one of the most finished arts of negotiation is to endeavour to instil our ideas drop by drop with happy carelessness into the minds of others, and get them to adopt our views unconsciously. A man will always give what he fancies are his own opinions a warmer welcome than those of other people. Many persons also shrink from a new idea when introduced to them too

abruptly; and a man once startled in this way is not easily dealt with afterwards.

One of the first qualifications for success is to have a clear practical idea of the point to be obtained. It is as well, then, to remember that people are not to be moved by any advantages or disadvantages to *you*, but that they will have a marvellously quick ear for their own. If you can once convince any people that what you desire is really for their benefit, you will have small difficulty in carrying your point. Now those things which are right in themselves are always most for the true interests of all parties concerned. Success or failure in a good cause, therefore, *solely, wholly, and absolutely depends on the abilities of the negotiator.* It is the fault undoubtedly; and it is the disgrace of any diplomatist who fails in a mission with justice on his side.

Oh! this Russian business, what a weary and shameful series of blunders it has been! If one man employed had understood his duty, this war would have been impossible. Such a statement as this may smack of presumption, perhaps of impertinence; but it is true, and, by the living God, I know it! I have watched that dreadful game played out by hands so nerveless, and with lips so pale yet rash, that I have shuddered with impatience and disgust. Any man indeed who brought a fresh and unprejudiced mind to bear on the question *must* have felt like a looker-on with his eyes open watching the mistakes of two blindfolded chess-players. If any reader should

say, it is easy to make such a statement as this, let me add, it would be easier far to pour out an indignant torrent of proofs. The only difficulty is to restrain it.

But I am treating of the art of negotiating, not the history of failures. To sum up, then, in a few terse maxims. Do not make a parade of business: do not appear always in harness—you will get on quite as fast. Understand your mission, and pursue it. Learn to appreciate the true character and requirements of the age: render yourself necessary to improvement and progress. Never get angry. Efface by your own example, all prejudice against your countrymen. Seek an honest renown. Associate with those from whom you can be always learning something—how to be better, wiser, or wittier. Learn to suit your subject to your listener. Moderate your imagination. Study character; not an observation will be thrown away. Have no absurd mysteries and pretensions about you. Seem to all men what you really are—neither more or less. Bumptiousness may impose on silly people for a time, but in the end it is merely ridiculous. See your way out of a wood before you venture into it. Prepare for emergencies beforehand. Be easy of access. Be always ready to hear useful intelligence, no matter whence it comes. Your own prudence will judge of its value. Accommodate yourself to all sorts of people; that is, know them, and know all about them. Be merry and wise, genial and sociable. Make friends where-

ever you can honestly do so. Do not be always in the clouds—a Jove too majestic to be useful. Act without being haunted by the fear of failure. Propose to yourself right objects, pursue them as justly and wisely as you can, and trust the rest to Providence; it will seldom fail you. Bonne Esperance et droit en avant. Do not show your weak point, or everybody will knock against it. If you have a sore place never complain, or somebody will always contrive to be rubbing it. Your resentment will appear the best joke possible, and malice will delight in stirring you up. Never abuse any favour or influence you may enjoy. Great friends are for great occasions. It is but squandering your interest to use it on little things. Do not be too obsequious; it is a sort of deceit, and will infallibly make people suspect you of sinister designs. Beware of making promises; but never break your word when given. You may see the most serious disadvantage in keeping it, but you will reap the benefit of having done so in the end. Have no dealings with bribery and secret-service money. They can never be necessary for honest objects. They are the resources of folly—incapacity. A wise man should be ashamed of them. Politeness is a debt due to every one, but excessive subservience is a lie: the man who is guilty of it is not courteous, but slavish. It is an improper homage to mere rank and fortune; for nobody stoops to flatter the most transcendent merit without them. If you give, do so gracefully, so as to make the manner

as acceptable as the concession. Strive to be essentially a gentleman. Do not condescend to oppose cunning to cunning, trick by trick; learn to acquire that nameless something, which gives a grace to all your words, and a sense and spirit to all your actions, which is the last finishing polish to every good quality.

Know how to prepare any business of importance, and remember that we cannot sow and reap at the same time. Lastly, a clever, or even a good-natured man will take care to conform to all innocent local customs, and to avoid in any way shocking the religious prejudices of the people among whom he lives. If you cannot acquire all the qualifications of a diplomatist, try to attain as many as possible; or change your profession before you come to public disgrace, and are driven out of it by the curses of a betrayed and indignant people. I foresee that diplomatists will be looked after much more closely than they have been; so it will be well for them to choose in time. Of all diplomatists on the face of the earth, perhaps the envoys of some of the petty German and Italian states are the most thoroughly convinced of their own importance. They are diplomatising all day long; and they dream of nothing but the wiles and tricks of political charlatans. At the theatre, or in the ball-room, in private or in public, they surround themselves always with the same cloudy and mysterious atmosphere. There is a laughable story told somewhere of one of them, and I have not the least

Small Diplomatists.

doubt of its truth. It is said that somebody calling to inquire after his health, was answered, that "his excellency had taken advantage of the opportunity to die last night with the utmost secrecy and confidence: but had left word that this circumstance was on no account to be made public till his burial."

These diplomatic geniuses form, perhaps, the strangest class of men who ever wearied the world. They are close-hearted to a degree that is positively astounding. They never can possibly have any business to transact which is not town-talk at every capital in Europe; but they are enamoured of mystery. They hum opera airs, and varnish their toes in the strictest seclusion. One of them would not allow it to transpire that he had dined on roast goose and plums for any consideration which could be offered him. He goes to bed and gets up again in silence and darkness. A creaking bed would be the plague of his life. If you meet him in an unaccustomed place, no human power would induce him to reveal the manner in which he got there. He conceals trifles with such a wiseacre air of importance as quite takes your breath away, and fills you with alarm till you find him out. He is so accustomed to groping his own way in the dark, that he is hopelessly blinded if you show him a light. Talleyrand was quite right when he said that the right way to puzzle such folk was to tell them the truth.

I never knew but one very intimately; he was

a quiet, pleasant, straightforward man of the world. He had conducted some very difficult negotiations also, so much to the satisfaction of his sovereign, that he had received the grand cross of St. Something (I forget what), and the *Excellenz-titel*—a mighty thing in Germany. It was quite refreshing to witness, however, the way in which his frank and open manner disturbed his colleagues. They used to shake their wonderful wigs and belted-up little bodies, and say, "P. is an excellent fellow; but he does not understand his profession. He should have been a—a—a—Joan Boule! (John Bull). Imagine only a diplomatist who rides at six o'clock in the morning, and goes fishing twice a-week, and then (this would be said in a voice of delicious contempt) he actually went to a—a—dinner, at the palace of the Prince of the Towering Taxes, *in white gloves*, although his effulgency was in mourning for a distant connexion of the All-highest family." The time of trial came, however, and my friend carried his point, while these worthies were floundering about, as usual, in a perfect sea of nonsense.

Be it understood that I am not writing against forms and ceremonies. They are often vastly useful things in their way; but foreign diplomatists of the last generation (for I am of course describing an extinct race) were rather too fond of them. I shall sum up these observations, already too long, by three maxims, all from the lips of famous men, but premising that I do not

agree with any of them: "Tenez bonne table et soignez les femmes," said Napoleon, tersely. "Surtout point de zèle," quoth the caustic Talleyrand. "Listen," observed one who seems to have been born in a mask, "and look, but tell and show nothing."

Public rejoicings.

It has been sometimes held that an ambassador is bound to take part in public rejoicings at the court to which he is accredited; and Cardinal Acciajuoli, a papal legate at Lisbon, in 1760, got into a bad scrape by not doing so. He was expelled from the capital of Portugal, in three hours, for refusing to light up his house during a general illumination for the marriage of King Joseph's daughter. In this case, however, there was a previous desire to get rid of the cardinal legate, and the Portuguese court were glad of an opportunity.

Means of obtaining information at Foreign Courts.

If an ambassador is denied the use of bribery and secret service money, a question at first sight may arise as to how he is to obtain information. I apprehend, however, that he will not have any serious difficulty on this subject. Persons who would be utterly incapable of receiving a bribe are still open to the influence of a good dinner and pleasant companionship. All people are, moreover, naturally communicative to a man they like and respect. Everything that is worth knowing transpires naturally. The late Sir Charles Bagot used to say to his attachés, "Tell me anything which is the talk of the coteries and clubs, but I never wish to hear secrets." The

fact is, almost all secrets are equally worthless and unimportant. When they become serious, they become known. An ambassador who is personally popular—who is on intimate terms with a few members of the government and one or two of the leaders of the opposition—can always find the thread of any labyrinth, if it is worth his while to look for it. He must not, indeed, make his house a rendezvous for the disaffected; but he can always see a sufficient number of persons whose interests and opinions clash, to learn what is really going forward. In all countries there is a vigilant and envious opposition, if only between rival courtiers; and disappointment is open-mouthed. Besides, an observant man who really lives a good deal in society, learns everything it is needful for him to know, without asking. In liberal countries the editors of leading newspapers are good people to know. A high-principled man would of course utterly scorn any attempt to influence them, or to parade himself before the public; but it is well to have a channel open for explanations in any case of difficulty. The press of all liberal countries absolutely sways public opinion in many cases. It is right to conciliate so mighty an interest by all prudent and honourable means. It may be of infinite advantage on all affairs which will bear the light; for it will always rather take the side of justice and reason than any other. I am very much mistaken, also, if the publicists of to-day will not be the statesmen and rulers of to-morrow. America already

makes them cabinet ministers and diplomatists. Britain will some day do the same.

Sometimes occasions arise in which ambassadors have to treat with their colleagues on some subject of common interest. Sometimes they are instructed by their governments to give aid and support to each other, and act together in case of need. Thus, in Article X. of a treaty of alliance, concluded at Toplitz, between Austria and Russia, 28th August—9th Sept., 1813, I find the following passage:—"Les envoyés et ambassadeurs des hautes parties contractantes, auprès des cours étrangères recevront ordre de se soutenir par des interventions mutuelles, et d'agir parfaitement d'intelligence dans toutes les occasions qui concernent les intérêts de leur souverains."

An ambassador should pay complete respect to the neutrality of any state which has declined to take part in a war in which his own country is engaged. He is therefore bound to treat the diplomatists of hostile powers with all possible courtesy. He may even thus place himself in a position to be of essential service to his country in time of need. If he fails in this duty, he may be expelled from the court to which he is accredited, or formal satisfaction for his misconduct may be demanded of the government he represents.

Responsibility of Ambassador.

It is not easy to say in what case an ambassador may be justified in departing from the strict letter of his instructions.* In these days of

* Vide De Martens, Guide Diplomatique, v. i. pp. 150—152.

steam and electric telegraphs his discretion is seldom very sorely tried. We must not forget, however, that one of the first consequences of a war in Europe would probably be the destruction of railways and telegraphs, or their seizure by hostile parties. We must not, therefore, count too absolutely on modern improvements. Perhaps it may be laid down as a rule, that if a thorough knowledge of the objects and policy of his government justifies an ambassador in departing from his instructions, he should only do so when he can convey early intelligence of the fact to his government, as any uncertainty as to the course he had pursued might plunge them into serious difficulties. His acts, however, in such a case, would not be binding till they were ratified by his superiors; and of course he would have incurred a crushing responsibility if he had been led into error or imprudence. The question is really of more importance to the ambassador personally than to his government; for they would be perfectly justified in repudiating his acts, whereas he could hardly escape the blasting consequences of his self-willed folly in case of failure.

Negotiations in writing.

Lengthy negotiations are usually carried on in writing, to prevent misunderstandings, and because numerous petty scruples and difficulties are best ignored and disposed of in this way. Nevertheless, written negotiations are notoriously open to many objections. A spoken word may be recalled or explained away. It may be thrown

out to sound the depth of troubled waters, and even the tone in which it is uttered may materially modify its meaning. But that which is written is at the mercy of every ill-disposed adversary, who may twist and turn it which way he will. I remember hearing a wily old gentleman once say, "Do not speak to me of the eloquence of italics: I wish some mark was invented to diminish the emphasis of words instead of adding to it." To reconcile these two opposite difficulties, certain diplomatic worthies invented

Note verbale.

a double-faced document called a *note verbale*, or summary of conversation. These notes are not signed. Their object is merely to refresh the diplomatic memory, which is rather too apt to tire and trip up. They are supposed, by a pleasant little fiction, to combine all the advantages of writing and conversation. Thus, if an ambassador finds he has just hit the right argument, and pursued it to a satisfactory conclusion—if all parties agree about the state of affairs, and there is not a hitch anywhere—the note verbale is signed and becomes a great fact. If there has been any mistake, it is twisted and tortured all manner of ways till it becomes satisfactory, or it is withdrawn and stultified altogether. To be brief, all communications which are to be considered as official must be signed by the ambassador; but preliminary and unofficial papers are sent without signature.* All

* See Mémoires du Comte d'Avaux, tom. ii. p. 127; tom. iv. pp. 353—363; De Wicquefort, tom. ii. § 8; Ahnert, Th. ii. p. 97;

independent states negotiate with each other on terms of perfect equality. All states are entitled to carry on their negotiations in their own language; but they cannot require that any other state shall adopt that language in treating with them. Thus, the communication which an ambassador sends to a foreign government will usually be in his own language, while the communications he receives will be in theirs; so that both parties may be obliged to employ interpreters to understand each other's meaning. There can be no doubt that the want of a universal language is as severely felt as the want of a universal currency. But great statesmen are not all great linguists; and the most masterly argument would appear poor and weak, perhaps absurd, in a language with which its author was not thoroughly acquainted. Thus, every state must grant the same privilege which it takes. Sometimes, however, a translation may be required; for every state has a right to require that demands or explanations shall be presented to it in an intelligible manner.

Perfect equality among independent states.

Formerly, Latin was adopted as a common language. This was partly succeeded by Spanish during the immense preponderance of Spain in the European system. In latter times, French has been the most current language of diplomacy; but its use is by no means universal or even common. The treaties of Osnabruck and

The Latin language.

Schmalz, pp. 101, 102; Schmelzing, Th. ii. pp. 205, 206; Klüber, Bd. i. § 313; De Martens, Précis, &c., tom. ii. p. 115.

Münster in 1648; of Utrecht in 1713; of Baden in 1714; of Vienna in 1725 and 1728; the Quadruple Alliance, signed at London in 1718, were all drawn up in Latin. In 1752 the Austrian ambassador made an address in Latin to the King of Naples. The treaty of Luneville in 1801 was drawn up in French, but ratified by the Emperor of Germany in Latin. The negotiations of most of the Belgian ambassadors in the time of Charles V. were carried on in German. Every state may, indeed, employ its own language; and when it consents to employ that of the state with which it is negotiating, or a dead or neutral language, it is usually expressly stated at the time, that this fact shall not be construed into a precedent on any future occasion.*

Nevertheless, since the middle of the eighteenth century French has always maintained its ascendancy; and, in some cases, states actually speaking the same language have employed it in their diplomatic intercourse with each other.

The German Confederation, in a protocol dated June 12th, 1817, resolved to employ German henceforth in their intercourse with foreign states. They consented, however, to add a Latin or French translation. The treaties concluded with

* See Art. 120 of the Acts of the Vienna Congress, June 9, 1815. Even then, however, Austria and the Papal Court negotiated in Latin, and the German states among each other used German. The Protest of Pius VII., dated 14th June, 1815, and the Austrian Ratification of the Swiss Confederacy, 20th May, 1815, are both in Latin.

the Porte were usually translated into several European languages. Mr. Canning was the first English statesman who directed our diplomatists to confine themselves exclusively to English in their business with foreign governments. This rule is obviously right and proper; for it would be an uncourteous supposition to assume that any foreign-office would not have some person in its employment who could make a satisfactory translation of an official document in any language whatsoever. On the other hand, it is essentially necessary that the writer of an official document should perfectly understand the value of every word he uses.

The plan generally adopted is for each party to use their own language, and for the ambassador to annex translations of the documents he receives, on transmitting them to his own government. It is needless to add that French is almost the universal language of personal intercourse, though I verily believe that every nation speaks a peculiar dialect, by which a practised ear could discover his nationality at once.

The importance of diplomatic communications necessarily requires that certain customary forms shall be used on all sides; that persons shall be addressed by their titles of honour; and, in short, that there shall be as many moral buffers as possible, to avoid the shock of collision. Diplomatic interviews at Venice must have been an awful business in former times. The wretched negotiator was obliged to appear before a college

of six-and-twenty members, all armed at every point, and prepared to give him a puzzling reception. Those who know what it is to deal with two or three cross-grained elderly gentlemen gathered together, may understand how pleasantly his business must have gone on, better than I can describe it.

Kings sometimes, formerly, bound themselves to grant audiences to ambassadors whenever the nature of their business required a personal conference.* An ambassador, however, cannot in ordinary cases insist upon an audience with the sovereign. Private audiences are indeed seldom refused on any occasion when an ambassador may deem them necessary. It depends on the constitution of different states whether the minister for foreign affairs is necessarily present at such audiences or otherwise. Direct negotiations with a sovereign take place very seldom.

* See Königs Joseph Wahl-Capitulation, d. 24ten Januar, 1690, Art. 38.

CHAPTER XVIII.

Ceremonies.—Treaty between France and Austria, 1809.—The Italian Courts.—The Old Court of France.—Princesses of the Blood Royal.—Royal Martyrs.—Official Rank.—Rank of European States.—Precedence of the Pope.—The Emperor of Germany and the Sultan.—Precedence of Kings.—Republics.—States of the German Empire.—Coronation of Napoleon I.—Disputes.—Wrangling Peace-makers.

IN ancient times ambassadors were treated with very little ceremony. They were received by the authorities to whom they were sent, delivered their message verbally, and obtained their answer in the same way. If their business was of little importance or easily concluded, their first audience with a foreign sovereign was also the last. Even at the Papal court, both in Rome and Avignon, these simple customs endured for ages. The ceremonies usual at the reception, audiences, and departure of ambassadors do not appear to have been known generally in Europe till after the great congresses of Osnabruck, Münster, Nimuegen, and Ryswick.* Ceremonies.

In the sixteenth, seventeenth, and eighteenth

* See Gregorio Leti, Il Ceremoniale Historico e Politico, part vi. p. 400.—De Callières, ch. x. G. F. De Martens (Cours Diplomatique, &c., tom. iii.)—For Spain, p. 169; France, p. 36; Great Britain, p. 253; Batavian Republic, p. 311; Denmark, p. 361; Sweden, p. 400; Russia, p. 431; Prussia, p. 463; Turkey, p. 463. Compare also Schmelzing, Klüber, Reumont, and De Real.

centuries, the absurd pretensions of ambassadors were an annoyance to all Europe. I find in the History of the Peace of Ryswick that the mediator being desirous of avoiding the ceremony of notifying the death of his sovereign to his colleagues separately, announced it verbally in full congress, and received the usual compliments and condolences at the same time.* Having spent two or three centuries in the invention of the most extravagant formalities, it became necessary to exhaust every device of ingenuity to get rid of them. At the Congress of Vienna the ceremonies and nonsense required, before a few gentlemen could sit down together and discuss the objects of their assembly, were so troublesome, that several of the advanced reformers among the diplomatists present proposed to abolish the *ceremonies* altogether. This, however, proved impossible, and they were at last regulated as nearly as practicable on the plan of preceding congresses. In Article XVII. of the treaty concluded at Vienna between France and Austria (Oct. 14, 1809), I find diplomatic ceremonies the subject of special stipulation. "Sa Majesté l'Empereur d'Autriche, Roi d'Hongrie et de Bohème, et sa Majesté L'Empereur des Français, Roi d'Italie, conserveront entre eux le même cérémoniel, quant aux rang et autres étiquettes, que celui qui a été observé avant la presente guerre."

Treaty between France and Austria in 1809.

* Compare Jer. Hoffmann, Disp. Polit. exhibens notas legati subtilis et inepti: "Legatus bonus magister ceremoniarum laudatur, sed nimia earum subtilitas improbatur."

Sir William Temple used to say very finely on this subject, that the extraordinary yet petty pretensions of ambassadors had evidently been originated by men who were unable to "make themselves beloved." They wished to be able to insist on the external appearance of a respect they could not win. "I believe, however," he adds, "that ambassadors would not take so much trouble to maintain their dignity in trifles, if they possessed more judgment to assert themselves on such occasions as really affect the honor and welfare of states."

The small Italian courts seem to have first introduced diplomatic ceremonies, and to have been always extremely anxious about them. Previous to the first revolution, also, the court of France delighted to distinguish itself by the perfection of its etiquette. At all public festivals, the births, deaths, and marriages of royal personages, in a word, whenever an occasion presented itself for the observance of some extravagant ceremony, all those old dukes and marshals, all those gay supping marquises, and succulent young abbés, were as grave as so many Scotch lawyers. Court ceremonies were the true business of their worthless butterfly lives. If a great general returned from a victorious campaign, during which he had shed his blood for their ridiculous existence, straightway they held preposterous discussions as to whether he should be allowed to walk up and down some staircase which was used by the king's pimps and mistresses; or pass through an arch-

The Italian Courts.

The old Court of France.

way or a gate which was generally kept closed. The princesses of the blood received the visits of ambassadors lying down, lest they should be obliged to rise and accompany them to the door. A cardinal who paid a visit to one of the ladies of the royal family was not allowed to take leave till her highness had twice addressed him by the title of "your eminence." After this, however, he was not permitted to remain, and the moment the princess used these words a second time, the cardinal was bound to depart from her presence with the utmost alacrity.

Princesses of the blood royal.

At the court of Spain the laws of etiquette were still more strict. It is said that the consort of Charles III. was thrown from her horse and dragged for some time with her foot in the stirrup, because it was death to lay a hand on her majesty's toes. There is another story which is no doubt an old acquaintance of the reader's, respecting a Spanish king who was roasted under similar circumstances. The latter story, however, has been satisfactorily proved to be a fable, invented probably by some sneering democrat; and I doubt if the stirrup story rests on any better foundation.

Royal martyrs.

When John Sobieski saved Vienna from the Ottoman hordes, the emperor and his courtiers had the ungrateful insolence to take counsel how they should receive him. "Receive him?" cried a blunt soldier, indignantly. "Why, with open arms, to be sure." The advice, however, was not taken, and the Polish hero was met by

the prince whose crown he had saved with revolting coolness. The real importance which lies hid however under the apparent triviality of courtly ceremonies, did not escape the penetrating intellect of Napoleon I. He used every effort to reestablish them at the imperial court.

Every state fixes the rank of her own ambassadors. The courts to which they are sent cannot alter it in any way. If two ambassadors of the same rank are sent by the same government to the same court, he who is mentioned first in the credentials or full powers has precedence over his colleague.

All ambassadors of the first class have precedence over all of the second, third, and fourth class; and this wholly apart from the rank and importance of the countries they represent. An ambassador from the King of Schwarzwürst-Schinkenshausen would strut before an envoy or minister plenipotentiary from the United States of North America or the Autocrat of all the Russias.*

The rank and titles which a diplomatist may enjoy in his own country do not in any way influence his official rank, which is fixed solely and wholly by the nature of his appointment. Official Rank.

The popes have, however, sometimes endeavoured to regulate the rank of ambassadors by

* Compare Actes et Négociations de la Paix de Ryswick, &c., tom. ii. p. 26; Gutschmidt, Diss. de Prærogativa, &c., s. 22, 26—30. Also Klüber and Heffter, and Puffendorf, De Rebus gestis Friederici Wilhelmi, Electoris Brandenburg, lib. xvi. s. 53.

the importance of the sending power. In 1504, Pope Julius the Second issued an order fixing the rank of European states. It is curious because it conveys at all events an approximative idea of the condition of Europe at that period.

Rank of European States.

1. The Roman Emperor.
2. The King of Rome.
3. The King of France.
4. The King of Spain.
5. The King of Arragon.
6. The King of Portugal.
7. The King of England.
8. The King of Sicily.
9. The King of Scotland.
10. The King of Hungary.
11. The King of Navarre.
12. The King of Cyprus.
13. The King of Bohemia.
14. The King of Poland.
15. The King of Denmark.
16. The Republic of Venice.
17. The Duke of Brittany.
18. The Duke of Burgundy.
19. The Elector of Bavaria.
20. The Elector of Saxony.
21. The Elector of Brandenburg.
22. The Archduke of Austria.
23. The Duke of Savoy.
24. The Grand Duke of Florence.
25. The Grand Duke of Milan.
26. The Duke of Bavaria.
27. The Duke of Lothringen, &c.

This arbitrary settlement of the question, however, was far too unwelcome and galling to many pretensions to serve as a precedent. The arrangement of Julius the Second was soon observed only at the Papal Court, and then merely with respect to the first four sovereigns named in the list. The King of Rome also was no longer supposed to have precedence over the monarchs of France and Spain, but was reduced to an equal rank with them.*

The irritable jealousy which existed in former times among sovereigns upon these subjects is perfectly extraordinary. The rank of a diplomatist does not interfere, however, in the smallest degree with his business. In all civilised countries the representations of a chargé d'affaires receive quite as much attention as those of an ambassador; and the number of states, in which the splendor of a mission has anything whatever to do with its success, is diminishing fast. The rank of an ambassador is merely a holiday thing which he puts on and off with his gold-laced coat. It appears at court festivals, coronations, triumphs, marriages, processions, and public dinners. An ambassador may walk, ride, or drive, before his colleagues of less importance; and sometimes even, as we have seen, he carries the trumpery bauble with him to church. If he condescends to take the communion after a less magnificent individual than himself, he does so with the express reservation

* See Lünig, Theatrum Ceremoniale Hist. Pol., &c., pp. 1, 9; Rousset, Mémoires sur le Rang, &c., p. 2.

that it shall be "without prejudice" to his absurd pretensions on other occasions.*

Precedence of the Pope.

Formerly the pope, as spiritual head of Christendom, claimed precedence for himself and his representatives over all other sovereigns. His claim was generally acknowledged everywhere but in Russia and Constantinople. The Emperor of the Holy Roman Empire was in undisputed possession of the second rank among the Christian potentates of Europe, the pope only having had precedence of him since the time of Frederick I., in 1177.

The Emperor of Germany, and the Sultan.

There seems to have been a brisk dispute for precedence between the Turkish conquerors of Constantinople and the emperors of Germany. The Christian princes refused the Turkish sultans the rank of emperor altogether, till the time of Rudolph II. Rudolph, however, at length bestowed the coveted distinction on Sultan Achmet, with the express condition that Achmet should submit to be called his "son," and take the qualifying rank of *highness* instead of *majesty*. The sultans felt such childish exultation about their title, that in 1737, when the Turkish emperor found that his German "*father*" had only sent two ambassadors to the Congress of Nimirow, he immediately withdrew one of his representatives, that he might assert his superiority to the Czar of Russia, who had sent three. At the reciprocal exchange of ambassadors on the frontier, also, the Turkish worthy unfortunately began to

* See J. C. Hellbach, Handbuch des Rangrechts, &c., p. 44.

dismount from his horse before the German dignitary. Looking round in mid air he observed his mistake. The dog of a Frank sat smiling in his saddle. The Turk, however, paused in time, and summoning the sturdiest of his attendants, he caused himself to be suspended in their arms, so that his dangling foot should touch the ground at precisely the same moment as the toes of his colleague.*

It is only very lately that the sultan has been addressed as "sire" and "imperial majesty."

In recent times, most crowned heads have agreed to adopt the principle of perfect equality. Russia and France, for instance, agreed to consider each other of like rank, on all occasions, by the XXVIIIth article of the Peace of Tilsit, dated 7th of July—25th of June, 1807.†

Napoleon I., however, insisted on an acknowledgment of his precedence, from several other crowned heads. Great Britain, Sweden, and Denmark, have always asserted their right to perfect equality. Of the four small kingdoms of Germany, Bavaria stands first, Saxony second, Hanover third,‡ and Wurtemberg fourth.

Monarchs who have neither imperial nor royal rank, yield precedence to those who have. Never- Precedence of Kings

* Compare Günther, pp. 1, 225, 247; Lünig, Theatrum Ceremoniale Hist. Pol., pp. 11, 1438.

† "Le cérémoniel des deux Cours des Tuileries et de St. Petersburg entre elles, et à l'egard des ambassadeurs, ministres et envoyés, qu'elles accréditeront l'une près de l'autre, sera établi sur le principe d'une réciprocité et d'une égalité parfaite."

‡ See Art. IV. of the German Confederation Act, June 8, 1815.

theless, the rank of the Grand Dukes and Electors of Hesse does not seem to have been definitively decided. The rank of the other princes of Germany was settled in articles IV. and VIII. of the German Confederation Act.*

Republics. Republics formerly gave precedence to emperors and kings. The Republic of Venice claimed the first rank among republics. Some of the electoral princes, however, opposed her claim to be ranked immediately after emperors and kings. The United States of the Netherlands came after Venice, and then the Swiss Confederation. Genoa, especially during her possession of Corsica, claimed kingly honours, though she never was able to obtain them. She insisted, however, on equality with Venice, and precedence of the Netherlands, the Swiss Confederation, and the Knights of St. John. There were constant disputes among them for this shadow of a nothing.

The States of the German Empire. The body of the states of the German empire (Corps Germanique) claimed precedence over kings.

When Prussia was created a kingdom, precedence was conceded to her by the Netherlands (whose people were far too sensible to care any-

* Compare Godefroy, Mémoires concernant la Préseance des Rois de France, Paris (1653-4); Schmauss, Corpus Juris Gentium, pp. 1, 760; De Martens, Cours Diplomatique, liv. i. ch. ii. s. 38; liv. i. ch. viii. s. 80; Wenck, Codex Juris Gentium Recentissimi, &c., tom. i. p. 549; Treaty of Keinardgi, 1774, Art. V.; Protocol XXXI. of the Ministerial Conference at Vienna, May 16, 1820; and Klüber, Offentliches Recht des Teutschen Bundes (4 Aufl. 1840), ss. 115, 131.

thing about the matter), but disputed by the vain triflers of the Venetian Republic.

Kingly honours were sometimes accorded to the United States of the Netherlands; but they were never acknowledged either by the Republic of Genoa, or the Electors and Princes of the German Empire.* The Dukes of Lothringen and Burgundy disputed precedence with the Swiss Confederation.

Semi-sovereign, or dependent states, yielded precedence to those which were sovereign and independent. Sometimes, however, they disputed precedence with republics.

In the visits of sovereigns of like rank to each other, the host always yields precedence to his guests. The same rule is observed by the chief magistrates of republics.† The emperors of Germany, however, did not yield precedence to kings on such occasions. On the other hand, therefore, kings refused precedence to the emperors. Frederick Wilhelm I. nevertheless gave way at his own court to the Emperor Charles VI.

Coronation of Napoleon I.

The Duke de Rovigo gives an odd account of the meeting between Napoleon I. and the pope, when his holiness was on his way to Paris for the imperial coronation. Bonaparte went to meet

* See Kluit, Hist. Fed. Belgii Fed. tom. ii. p. 521; Rousset, ch. xxviii.; Zwanzig, Theatrum Præcedentiæ, &c., tit. xlvii., xlviii.; with Heffter, Reumont, Meyer, Schmalz, and De Martens.

† See Günther, part i. p. 277; Moser, Nachbarliches Staats Recht, part i. p. 10; Martens, Précis, &c., tom. i. p. 305; Rousset, Mémoires, ch. xiii.; Mémoires du Duc de Rovigo pour servir à l'Histoire de l'Empereur Napoleon, tom. ii. ch. ix. p. 110.

his guest on the road to Nemours. To avoid any ceremony, however, a hunting party was the ostensible pretext of his journey. When Napoleon approached the place of meeting, he left his suite behind in a wood and rode forward with a few attendants on horseback. He was dressed merely in a hunting costume. When the great spiritual and the great temporal potentates came in sight of each other, the carriage of the pope stopped, and his holiness, dressed all in white, alighted from his carriage, on the left side. The road was rather dirty, and the pope hesitated some time before he walked on in his white silk shoes. He was obliged to do so at last, however. Napoleon then dismounted to receive him; and they embraced. In the meantime, the emperor's carriage which had been brought on purpose was drawn a few steps nearer, as if by mistake; but two servants stood on each side and kept the doors open. The emperor now turned to the right hand, and one of his suite led the pope to the left, so that these two illustrious personages could both mount at precisely the same time. This must have been rather an inconvenient arrangement, considering the springs then in use; but it disposed of a difficulty which engaged the attention of all the old ladies in Europe. The pope was, however, deceived. He had stipulated that if he attended the coronation, the same ceremonies should be observed as at the coronation of the ancient kings of France at Rheims. Napoleon gave his plenipotentiary orders to waive the

question of ceremonies, and astonished the pope, not a little, by settling it on the spot, and taking precedence over him, as if there could be no manner of dispute on the subject.

The subsequent ceremony of the coronation was equally curious, and showed that watchful spirit of calculation, which attended Napoleon in all his actions.

According to ancient custom, the king about to be crowned entered the church without any of the ensigns of royalty, and received the crown and symbols of his power from the pope. Napoleon, however, caused the pope's procession to take place some time before his own; and he entered the church adorned with the laurel garland, and the imperial mantle. By his side was carried a sceptre and a large antique crown, made in imitation of that of Charlemagne. The pope then anointed him three times, on the forehead, on the arms, and hands. He spoke a benediction over the sword with which he girded Napoleon, and he placed the sceptre in his hand. As Pius VII. laid hands on the crown, however, Napoleon watched his movements, and taking it nimbly from his holiness, placed it on his own head. Nothing, indeed, could be more thoroughly mortifying than the position of the pope throughout the whole affair. Napoleon suspected all the actions of his guest, he took small pains to conceal it, and the emperor feared to concede Pius precedence on one occasion, lest he should claim authority on all.

The rank of sovereigns has sometimes been decided by:—The date of the independence of their kingdom. By the antiquity of the royal family. By the date of the conversion of their people to Christianity. The power of the state. The title of the sovereign. His victories and deeds of arms. The nature of his government. The extent of his colonies. The number of his vassals; and even by his services to the pope and the Catholic church.*

Bluff Oliver Cromwell decided the disputes of ambassadors after a manner of his own. It is needless to add it was successful. In 1651, when Langenfeld, the Swedish ambassador, made his public entry into London, there arose a dispute in the streets between the Marquis de Liode, the Spanish ambassador, and the President Bourdeaux, ambassador of the French king. Cromwell had previously promised to grant precedence on all occasions to the French ambassador, and when he found the Marquis de Liode disposed to dispute his commands, he sent down a sturdy company of thwack-loving guards, who separated these belligerent diplomatists by breaking the heads of their attendants with much godliness and satisfaction. The Spanish ambassador knew the stern crop-eared Protector far too well to expect any satisfaction for the psalm-singing and thumps which had been administered to the

* See Günther, part i. p. 203; Stieve, part i. pp. 9—72; Réal, La Science du Gouvernement, tom. v. ch. iv. s. 3; A. De Wicquefort, lib. i. p. 21; Klüber, v. i. p. 151.

servants. We hear no more of ambassadorial squabbles in England during the commonwealth.* At the Congress of Ryswick, the ambassadors of the Emperor of Germany demanded that a particular space should be set apart for their carriages to stand, and insisted afterward that this should be considered the post of honour. Not contented with this, they asked for a private room to discuss the knotty affairs of their imperial master without interruption. On this point there was a struggle. These ministers of Peace all began squabbling among one another like so many washerwomen in their cups. At length it was agreed that every diplomatist should have a private room to rehearse his speeches and admire himself in the looking-glass without observation. The mediator, a sensible man, promised to content them, and the riot ended.†

In the time of Leo X. (1513), the following order appears to have been established in processions and festivals at the papal court. First came the deputies or orators of the provinces of the church; then the ambassadors of Florence, Venice, Spain, France, and the Emperor of Germany; then followed the senator and prefect of Rome, the Duke of Urbino, and the papal

* Compare Wagenzeil, Dissertatio de Legato a Latere, s. iii.; Schott, Diss. de Leg. Nat.; A. Crusii, Tract. de Jure Proëdriæ, S. R. J. Electorum nec non Seren. Dom. Neoburg, &c.

† See Actes et Mémoires des Négociations de la Paix de Ryswick (nouv. ed. à la Haye, 1725, 8vo.), tom. ii. pp. 17, 18. There were similar disputes at Nimuegen, Cambray, and Passarowitz.

cross. There appear, however, to have been disputes for precedence among the ambassadors, the senators, and the governors of Rome. Riots were frequent, especially at Christmas, Easter, and the festival of St. Peter. Nothing could ever keep the pride and loftiness of diplomatists within the bounds of decency. They were an awful race of wranglers, who were as a perpetual blister round the neck of every ruler in Europe. In 1696, one Count Martiniz, a dreary dog who was sent as imperial ambassador to Pope Innocent XII., immediately began hunting the cardinals with extraordinary eagerness and length of wind. For four mortal hours on a hot Italian day, this exasperating peace-maker worried a proud-stomached churchman, till at last the latter turned and stood at bay. The pope insisted that an ambassador who had shown himself as stiff-necked as a cardinal should be recalled, and Martiniz was sent to breed trouble elsewhere; while the pope for some time was obliged, in self defence, to forbid the presence of ambassadors at all at the ceremonies of the church.

An odd regulation was made at the diet of Regensburg with respect to the rank of the ambassadors of Pomerania, Mechlenburg, Wurtemburg, Hesse, and Baden. Their precedence was decided by arithmetical rule, as follows, each having precedence over the rest twice in ten days:

1.	P.	M.	W.	H.	B.
2.	M.	W.	B.	P.	H.
3.	W.	H.	B.	M.	P.
4.	H.	W.	M.	B.	P.
5.	B.	P.	H.	M.	W.
6.	P.	M.	W.	B.	H.
7.	M.	P.	W.	H.	B.
8.	W.	B.	H.	P.	M.
9.	H.	P.	W.	B.	M.
10.	B.	W.	M.	H.	P.

The five letters are of course the initials of these fractious little states.

The ambassadors of crowned heads, royal widows, and minors still under wardship, were also declared to have precedence over the ambassadors of electors and republics.*

The disputes of Hanover and Wurtemburg on Disputes. these absurd subjects—on points that really did not matter to either party the tenth part of a straw—were so virulent and acrimonious as to excite the surprise and laughter of all Europe. The conduct of Hanover was ridiculous beyond belief.† In fact, these squabbles are utterly inexplicable to any reasonable human being. The united wisdom of all the wiseacres at the Congress of Vienna was exhausted in vain to form some rule by which the rank and precedence of states should be decided in such a manner as to put an end to these disputes.

Sometimes the home government of nations has acted with a common sense which must rather have

* See Lünig's Archives of the German Empire, Pars. gen., part i. p. 29.

† See Klüber's Acts of the Congress of Vienna, ii. pp. 110, 122, 130, 147, 181, 187.

put pretentious diplomatists to the blush. Thus, in 1824, a Count Löwenheim, Swedish minister at the Porte, got up a quarrel with the Marquis de Gropallo, the Sardinian envoy. He wanted to march first on some exciting occasion, because he *had seen the Sultan*, and because Sweden had *not* taken part in the Congress of Aix la Chapelle. Bernadotte, however, was not *then* the man for that sort of nonsense. The count received a stern command to yield precedence to the Sardinian envoy, and if he valued his place, never again to send an account of his having made himself so ridiculous to the court of Stockholm. The French embassy then at Constantinople sent home to ask whether English secretaries of embassy, when holding the temporary rank of ministers plenipotentiary, should be considered as taking precedence of ministers resident. The cabinet of the Tuileries replied, "*Certainly.*"

Diplomatists employed on extraordinary missions have no superiority of rank over those employed on ordinary missions. The ties of relationship or alliance between various courts give no precedence to the diplomatists accredited on either side.

There have been various ways of quieting the ravenous and indelicate vanity of ambassadors, when two or three of them have been obliged to tolerate each other's presence on important public business.

Wrangling Peace-makers.

1. Every ambassador on sitting down has glared round at his colleagues, and declared his

seat to be the post of honour or head of the table.*

2. They have insisted on changing places with each other from time to time, every ambassador thirsting for the moment when he could put his portfolio under his arm, button his coat, toss up his chin, and march solemnly to the head of the table, accompanied by the rancorous envy of his colleagues. Sometimes they have cast lots for distinction, and disputed with the winner.

3. Every diplomatist has handed a copy of the treaty negotiated to his colleagues, signed by him alone; so that his honoured name has been both first and last, and he has had a whole sheet of paper to himself.

4. Sovereigns have been even obliged to assume an alias, and go about incognito to avoid being set upon and worried into eminence. They have been obliged to withdraw a wrangling ambassador, and sent a diplomatist with his claws cut, or a chargé d'affaires.

5. They have insisted on perfect equality, or some arrangement by which the rank of all parties remained undecided, so as to give a pretext for a fight at some future time.

6. Some of the most quiet gentry have now and then been persuaded to give and take. Thus when a door was so narrow that they could not all strut through it together; or a president's ear, having only one hole, could not admit all

* Compare Lünig, Theatrum Ceremoniale Hist. Polit., part i. p. 20.

their talk at once, they have reluctantly agreed to walk and talk first by turns. Every man has, of course, observed the other, on such occasions, with a stop watch, lest he should exceed his time by only half a second, and (probably) a stick to give him a gentle poke in the ribs as a warning to make way for his successor.

7. Sometimes every diplomatist has remained shut up in a dark room lest his dignity should be compromised by appearing on the scene of his duties.*

8. Sometimes the raging vanity of these official peacemakers has been soothed by fixing their place at a conference according to the date of their arrival, and many post-horses were killed in this way before the invention of railways.

9. Sometimes they have been all allowed to enter a room at the same time through different doors. Each diplomatist having a man Friday to peep through the keyhole, and see that he was prepared to make a rush (and win by a neck, if possible) immediately the bolt was withdrawn, and the signal to start given by the master of the ceremonies, or one of the sticks in waiting, who were, of course, obliged to be present as a gentle warning on such occasions.

10. Jocular ambassadors tossed up for precedence, heads or tails, or they got up little games of odd and even, hazard, fortune's wheel, or that kind of thing. The ambassador who lost immediately showed temper, brought the whole thing

* See Miruss, vol. i. pp. 353, 354.

to a wrangle, and cursed his colleague the winner with the true diplomatic indiscretion.

11. Sometimes diplomatists who had been sent by their governments to negotiate at a congress of peace, prudently refused to see their colleagues, lest they should suddenly have it out, and cuff each other soundly. Every ambassador stumped in stilts and a foolscap crown about his own house, the awe of his servants, and the laughter of his attachés. He was afraid to venture out lest a longer-legged ambassador should outstrip him in the street, or a stronger arm than his own hustle him from the wall into the gutter. Every ambassador sent his communications to his colleagues in writing,* and his secretary smoked a cigar with small men of equal rank, and explained his chief's ideas over a little supper in the evening. It seems to me that the secretaries had the best of it. The stilts and the foolscap crown must have seemed absurd even to their own wearer sometimes.

No wonder Oxenstiern cried out in disgust about the folly of statecraft, since such monstrous devices as those I have related have been necessary to prevent international peace-makers from tearing each other to pieces, whenever they were called upon to discuss the gravest interests of mankind. Why should I, dear Public, write of

* See Günther, part i. p. 275; Rousset, Mémoires sur le Rang, p. 66; Schmauss, part ii. p. 1743; Klüber, Europäisches Völkerrecht, Bd. i. pp. 164, 165; G. F. De Martens, Précis, &c., tom. i. p. 307; Moser, Hofrecht, pp. 1, 265.

such buffooneries seriously. It is but right that you should know how your business has been done. It is but right that you should know why War is immortal and Peace so frail. Yet if I told it you in other language, it would sicken and weary you too utterly to read. Let us laugh at diplomatic antics together, my Public, and by the blessing of God, we shall some day make Downing Street at least ashamed of them.

It appears from the senseless frolics of these wiseacres, that at a round table the place nearest the door is considered the place of honour. The place opposite is the last. The right-hand side of the president is the side of honour, and the order of rank among the sitters at a table changes from the right to the left. In going downstairs, the man who first puts his foot on the second step is the most honourable. A staircase, however, must be rather a dangerous race-course after fifty. A diplomatist who, with great manœuvring, has contrived to get on the right-hand side of a Grand Turk, has been mortified out of all self-possession by learning that among Eastern nations, the left-hand side is the side of honour. I saw a young vice-consul once turn blue when he found that he had made this painful mistake.

Now for a puzzler. Suppose a band of well-wigged diplomatists to be seated at a long table, two sides of which are precisely equal. Their ideas are all dated 1801 of course, and they are met to take counsel for the peace of the world.

Very good! The well-wigged diplomatist who has just been slightly inconvenienced by having sneezed out a jovial trio of false teeth, on which he has relied to do the smiling part, is at the head of the table. The man on his right, who seems kept from doubling up by a most portentous cravat, holds the second place, and hard work he has had to get it, having been twice winded by a person who seems all snuff and nose, and who would infallibly have got the second place, but that somebody trod on his favourite corn during the general scuffle at the door. The second man on the right-hand side is the third in rank, and the second man on the left is the fourth, and the third man on the right is the fifth.*—Do you want any more of it, dear Reader, or have you lost all patience with such profane balderdash already. In signing treaties, the representatives of the contracting parties sign their names in two columns. Happy indeed is the diplomatist who can contrive to affix his signature first in that honoured list on the left eye side of the reader. Never mind the contents of the treaty. It may let us into half a century of war and 500,000,000 pounds sterling expense. This is a trifle, if our diplomatist's lordly name can only appear to the librarian of the foreign office on the left eye side.† This is really the principal business, all the rest is mere wax and parchment,

* See Putter, Instit. Juris Pub. Ger., s. 89, note *b*; Martens, Guide Diplomatique, tom. i. p. 95.

† Klüber, Eur. Vol., v. i. pp. 160, 161.

—and as for the blood and money, we can sing the songs of Dibdin and Campbell till we are quite in a patriotic glow about it.

When two ambassadors get together in their own house, decency forbids the host to walk first. If an ambassador asks an envoy, a plenipotentiary minister, a chargé d'affaires, or other person to dinner, he should bring a sharp appetite, for he will have to eat a toad in the anteroom, and sneak after his host with becoming humility. The nuncios* of the pope usually trip foremost into their own dining-rooms with much alacrity, unless an ambassador of the first class cunningly contrives to edge unobserved to the door. I am surprised that a trap-door has never been invented to convey an ambassador (with a lady on his arm) into the dining-room like a flash of lightning before the common door is unbolted, and his guests allowed to scuffle after him. However, perhaps this would be too brisk a device; for dinner parties proceeding to the banquet-halls of ambassadors usually resemble funeral processions in gloom and gravity.

Ambassadors of the first class only yield precedence to princes of imperial and royal blood. They claim superiority of rank over all others.

The rank granted by one court to the ambassador of another will, however, usually depend on that which is conceded on the other side. No ambassador can claim privileges at a foreign

* Compare Vittorio Siri, Mercurio, &c., tom. v. pp. ii. 377; also Gutschmid, Klüber, and Martens.

court, which are not accorded by his own under similar circumstances. De Martens also says very sensibly (I quote him, lest it should be thought I am writing in irony): "Si l'histoire nous offre plus d'un exemple que des ambassadeurs impériaux ou royaux aient prétendu avoir le pas sur les électeurs en personne, aucun prince régnant, aucun chef de gouvernement, même républicain, ne souffrirai aujourd'hui que le délegué d'un autre gouvernement prît le pas sur lui. . . . Par le commun assentiment des gouvernemens monarchiques, les *fils* et les *frères* des empereurs et des rois ont le pas sur les ambassadeurs. On est généralement d'accord aussi sur le principe développé plus haut, que l'honneur accordé de traiter immédiatement avec le prince, près duquel il est accrédité, bien qu'il le mette dans le cas de jouir de diverses distinctions que l'on n'accorde qu'aux souverains, ne l'autorise pas à présent à toutes celles qui sont dues à ces derniers. . . . Il est à regretter qu'en reconnaissant la préséance des *fils* et des *frères* des empereurs et des rois sur les ambassadeurs, on ne l'ait pas également reconnue pour les autres membres des familles impériales et royales. Il serait aussi à désirer qu'on eût décidé formellement la question de préséance entre les ambassadeurs et les membres des maisons régnantes non impériales ou royales, telles que les maisons *électorales*, *grand-ducales*, etc." *

* Vide Guide Diplomatique, tom. i. p. 98. Compare also Struvii Syntagma Historiæ Germaniæ, &c. (Jenæ, 1716. 4to.), p. 1056 :—

Ambassadors are now seldom welcomed with any extraordinary demonstrations. Nevertheless, when *Sedi Ben Aschasche*, Pasha of Tetuan, was sent as ambassador to Paris by the Emperor of Morocco, he was accompanied by M. Leon Roches, Captain Pourcet, and M. Urbain, first interpreter of the French army, who were necessary to make out what he had got to say. Turkey is now, however, the only European power which makes much fuss about ambassadors on ordinary occasions.*

"In sequenti anno 1455 nova Comitia Neostadtium indixit Imperator, quibus præter Jacobum Trevirensem, Albertum Brandenburgensem, Carolum Badensem, aliosque Principes, multi etiam legati interfuerunt. Ibidem Papæ legatus proximum a Cæsare locum adfectabat, &c."

* See Moser, De Real, Schmalz, Klüber, and especially Christ. Hoffman (Nova Scriptorum ac Monumentorum, partim rarissimorum, partim ineditorum Collectio, &c., tom. ii. p. 744, 745—777). We find the following account of the ancient reception and entry of ambassadors at Rome:—"Non solebant olim Legati Principum, simulac advenerant, properare ad Palatium; Principum hoc erat, se eo statim conferre, et eorum inprimis, qui hospitio recipiebantur a Pontifice. His quoque, modo sedendi inter Cardinales jus et locum haberent, obviam mittebantur præter reliquos, qui obviam aliis procedere solent, Cardinales bini, a quibus ad portam urbis reciperentur, et inde ad Palatium perducerentur. Et tunc Pontifex vocabat ad se quatuor vel sex Cardinales, quos honoris gratia secum haberet, quando veniebat Princeps. Nostris temporibus etiam Legati simulac allati sunt, tendant ad Pontificem ut ei pedes osculentur. Verum, cui bono tanta festinatio? Nonne osculabantur ipsi manus, os et pedes, paucis post diebus in publico Consistorio? Necesse est profecto tollere morem pravum, et variis incommodis procreandis aptum, simulque curare, ut Legati, simulac advenerint, non ad Papam statim, sed domum suam se conferant, neque inde usque ad diem publici Consistorii egrediantur. Recipiuntur jam Legati iisdem ritibus, qui in recipiendis Principibus non magno honori erant sedi Apostolicæ. Res ruet in pejus, nisi opportunum adhibeatur remedium."—"Eodem libro Ceremoniarum continetur,

In 1687, the cantons of Zurich and Berne sent two ambassadors to the French king. These Swiss gentlemen, however, who had formed probably the usual bumptious idea of ambassadorial

ut Legatus, qui obedientiæ præstandæ causa accedit, quivo in publico recipitur Consistorio, unicum tantum introitum, cumque equo faciat; quod semper est observatum. Jam vero duplicem celebrare cœperunt, alterum equo, alterum vero curru, modo plane novo et inconveniente, ipsique Pontifici, Sacro Collegio et Curiæ universæ incommodo. Unde opus est, tollere morem pravum, et curare, ut semel equo ingrediantur Legati seque statim domum conferant, si quidem ipsis, quando ad hanc curiam accedunt, curæ esse debet, ut venerentur Pontificem, honoremque Sacro Collegio exhibeant, non autem ut illis molestias creent et incommoda."—"Quamvis verum sit, quod male applicentur hæc exempla ad Legatos obedientiæ, qui, quamvis Regii sint, genuflexi omnia Legationis suæ munera obire teneutur."—"Sciendum quoque est, quod Legatus non nisi tribus casibus coram Papa sedere soleat, si ipsi magna est familiaritate conjunctus, vel de negotiis tractat, vel ob morbum nec stare, neque genua flectere potest."

The same author, v. 1, pp. 433, 434, gives us a peep at the reception of legates on their return to the Papal court:—"Die Lunæ, XXVIII. Novembris Reverendissimus Dominus Cardinalis de Campeggio ex sua Anglicana Legatione reversus, quo tempore in domibus suis secrete latuit, hodie summo mane ad Sanctam Mariam de Populo, ut fieri per omnia solitum est, et ibi a Collegio sacro receptus est, et visitatur, ac inde cum solitis ceremoniis conductus ad publicum Consistorium, in quod Papa venit, et servatis servandis, ac duabus propositionibus per Advocatos factis, ipse Legatus ingressus est, et admissus a Papa cum hilari facie, et in fine familia Legati osculata est pedem Papæ. Finito Consistorio, Collegium duxit Legatum ad ædes suas, ut moris est, licet aliquibus videbatur, ut ipse Legatus debuisset eligere in Palatio pro isto die, et pro isto actu, aliquam mansionem, donec Collegium ex Camera paramenti ad ipsam mansionem eum conduxisset, non autem per urbem equitasset, sicut dicebat, fuisse factum in reditu duorum Legatorum, ultimo loco, id est, hac æstate, sicut supra, associatorum et conductorum. Sed ego non volui, quia illud fuit propter immensos et insupportabiles calores, quod nunc cessat, et Papa approbavit dictum meum. Deinde ipse Legatus visitavit Papam una die, et alia visitavit Cardinales, incipiens a Decano Collegii, et inde per suam commoditatem illa die et alia, et postea Decanos, &c."

importance, were so ill satisfied with their reception, that they returned without their errand, never having been once admitted to an audience with his Gallic majesty. In fact, ambassadors often made themselves so excessively disagreeable, that it was necessary to insist on their reception in many cases by special treaty.

CHAPTER XIX.

Arrival of an Ambassador.—Ceremonies at the Reception of Ambassadors.—Official Visits.—Envoys and Ministers of the Second Class.—Third and Fourth Class.—Constantinople.—China.

IN modern times, an ambassador of the first class sends a secretary to notify his arrival to the minister for foreign affairs. He forwards a certified copy of his credentials, and then requests an audience with the sovereign. When this is accorded, an officer of the royal household, charged with that duty, presents himself at the embassy, in order to conduct the ambassador into the presence of the sovereign. In some courts there are persons specially appointed to present ambassadors. In Vienna, it is the high chamberlain; in Rome, the cardinal secretary of state; in the old court of France, there was an "*Introducteur.*" The secretary for foreign affairs is, however, usually present at the interview.* Arrival of an Ambassador.

An ambassador of the first class rides (or may ride) to court in a coach and six horses. He is accompanied by his whole suite, and in former times was often attended by the rest of the diplomatic corps; he is received, on his arrival at the Ceremonies at the reception of Ambassadors.

* See Schmelzing, Schmalz, Klüber, Martens, and Ahnert.

palace, by the proper officers in full uniform; he is saluted with military honours by the guards in attendance; he walks up the grand staircase (sometimes called l'escalier des ambassadeurs); two folding-doors stand open for his passage, as he is marshalled into the hall of audience. The hall in which the pope formerly gave audience to ambassadors was called the "salle royale."

He approaches the sovereign accompanied by the principal gentlemen of his staff, and they all bow thrice. On the right hand of the sovereign stand the princes of the blood-royal; on the left are the ministers and great officers of state. The hall is sometimes lined also with the rest of the corps diplomatique, and the chief officers of the royal household.

The sovereign rises from his throne, bare-headed, to greet an ambassador; then his majesty makes a sign for the ambassador to cover his head, and at the same time covers his own. He then motions the ambassador to a seat, as he resumes his own.

The ambassador, now seated and covered, makes a short complimentary speech, the matter of which is usually made known to the minister for foreign affairs beforehand. This speech is usually spoken in French, but an ambassador may use his own language if he pleases.

In his speech he alludes to his credentials, and taking them from the hands of his secretary, delivers them either to the sovereign or attendant minister of state. The speech made by

the ambassador is then answered by the minister, or on rare occasions by the sovereign.

After this the ambassador rises, uncovers his head, and after having bowed again three times to the sovereign, quits the hall of audience, accompanied by his suite.

By this audience the ambassador is received and acknowledged. Thenceforth he enters formally on his official duties, and enjoys all the honours and privileges of his order. It is not absolutely necessary, however, even for an ambassador of the first class to receive a public audience, and sometimes his first interview with the sovereign takes place in private.

It is to be remarked, also, that in audiences with empresses and queens an ambassador does not absolutely cover his head, but merely makes a movement as if about to do so; for it is necessary to his reception as ambassador of the first class that he should be permitted to appear with his head covered in presence of the sovereign to whom he is accredited.*

Official visits.

Immediately after his audience with the sovereign, the ambassador usually visits the royal consort, the princes and princesses of the blood. The etiquette of some courts requires that the ambassador shall kiss the hand of the princess who gives him audience.

Envoys and Ministers of the second class.

Ambassadors of the second class, or envoys

* Compare Gregorio Leti, pp. vi. 706, 707, 709, 711, 771, 790, 805, 808, 810; Schmelzing, part ii. p. 176; De Martens, Guide Diplomatique, tom. i. p. 101; Reumont, p. 474.

and ministers plenipotentiary are generally received at a private audience. In the private audiences of sovereigns in modern times no particular ceremony is observed. The envoy or minister is not even received in the hall of audience, but merely in some private apartment of the palace. The sovereign, however, is usually attended by one or more of his ministers and several of the principal officers of his household. He usually receives the envoy *standing*, and replies by a short speech to the address of the envoy on presenting the credentials. Envoys and ministers of the second class are also admitted subsequently to audiences with the royal consort and the princes and princesses of the blood.*

Third and fourth class.

Diplomatists of the third and fourth class, ministers resident, and chargés d'affaires, seldom receive a special audience with the sovereign. They present their credentials to the chargé d'affaires. There are some exceptions, however, to this rule, particularly as regards ministers resident. At some courts they are admitted also to an audience with the sovereign after they have already presented their credentials to the minister for foreign affairs.†

There are some peculiar usages at the audiences of ambassadors at the Papal court. For

* See Schmelzing, pp. 11, 177, 178; Schmalz, p. 96; G. F. De Martens, Précis, &c., tom. i. p. 75; Ch. De Martens, Guide Diplomatique, tom. i. p. 103.

† Compare Klüber, vol. i. pp. 363, 364; De Martens, Précis, tom. ii. pp. 75, 76, 345; Schmelzing, part ii. p. 179.

instance, when ambassadors are sent to attend the election of a pope, a chosen committee of the cardinals grant them audience through a small window, and formerly they always scrupulously avoided calling ambassadors by the title of excellency.*

At Constantinople, ambassadors must always receive an audience from the grand vizier before they can be presented to the sultan. Ambassadors both of the first and second class receive public audiences both from the vizier and the sultan. Those of the third class, however, merely present their credentials to the grand vizier in a visit of ceremony which they make to him for the purpose. Constantinople.

In former times, ambassadors were always received on divan days, and the Janissaries and flower of the troops were drawn up and *paid* in their presence. A quaint piece of childish oriental make-believe! They were received on *Tuesdays*. The divan assembled at daybreak, and though the Christian ambassadors were all compelled to live in the suburb of Pera, they were obliged to present themselves at the gates (Bagdsche Kapussi) of Constantinople before dawn. The Tschausch Bashi (or marshal of the empire, as Hammer calls him, though I should rather say, captain of the guard) here awaited him in a kiosk or pavilion set apart for the purpose. The Tschausch Bashi welcomed the ambassador as his guest, and then the proces-

* See Moser (Appendix), p. 142.

sion began, attended by a strong military escort both of horse and foot. The suite and servants of the ambassador in all the splendour of uniforms and liveries swelled the *cortège*. The Tschausch Bashi rode first, unless the ambassador were of the highest class. He rode, however, on the right hand of an ambassador even of the first class, and scarcely yielded him a kind of surly precedence. As the procession drew near the grand street of the divan (divan joli), it halted near the seraglio wall, in the neighbourhood of a small pavilion known as the Alai Kiosk, whence the sultan generally watched the procession. Here the ambassador was kept waiting a longer or shorter time according to his rank, after which the grand vizier appeared, and accompanied him to the second gate of the seraglio; then they proceeded on foot to the divan.

In the second court of the seraglio the soldiers were drawn up waiting for their pilaff and pay, which they received as the train of the ambassador slowly moved on towards the divan. The Tschaush Bashi and the high chamberlain, who had gone on before, now returned with their silver staves of office, which they struck on the ground as they walked, and out spoke the cymbals and the kettle-drums. Then the ambassador moved on towards the divan, past the executioners in waiting and the eunuchs of the guard. At the door of the divan he left the whole of his suite except his official secretaries and staff. The grand

vizier here held open court and sat in judgment upon criminals. He was surrounded by leather sacks of money, from which the soldiers were still being paid. Behind the judgment-seat of the vizier was a little window or grating, through which the sultan took silent note of the proceedings with much dignity. After the divan broke up, the ambassador dined alone at the grand vizier's table, the rest of his official suite being seated at the tables of the Kadiaskere and the Nischandschi.

The grand vizier then proceeded alone to the sultan, and begged that since the Christian ambassador had been fed and clothed by the bounty of his highness, he might be admitted to an audience. This was no mere figure of speech, for, after dinner, the ambassador and his suite received robes of honour and kaftans according to their rank. The ambassador and his suite, however, were still made to wait a weary while, after which he was permitted to enter the imperial apartments accompanied by not more than *twelve* of his suite. The sultan was attended by the Tschaush Bashi, the high chamberlain, the master of the household, the chief of the white eunuchs, and the long-haired axe-bearers; and the courtiers of the sultan were all arrayed in cloth of gold of dazzling magnificence.

The ambassador and the members of his suite were now seized under the arms each by two stout chamberlains, and, being lifted off their feet, were borne rapidly forward, through an antechamber,

into the immediate presence of the sultan. This was a lofty hall, but narrow and dark. The chamberlains, who still held the ambassador and his suite under the arms with one hand, took their heads with the other, and made them duck dutifully, in sign of reverence.

Hereupon the ambassador made a speech, which his interpreter explained, sometimes intelligibly, sometimes otherwise. His credentials, enveloped in cloth of gold and laid on a cushion, were borne by his secretary. After the speech, he presented them to the vizier, who laid them at the foot of the throne. The sultan seldom deigned to take the smallest notice of any of these proceedings.

When the ambassador had delivered his credentials, the audience terminated. His horses and suite awaited him without the second door of the seraglio. There he was obliged to remain some time, that the grand vizier and suite might take precedence of him. Then he returned, accompanied as before by the Tschaush Bashi, who left him at the water-side, where he entered his official caique and returned to Pera, under the roar of a salute from the batteries.

He seldom spoke to the sultan afterwards, or received another audience till his departure, unless they met by accident during one of his highness's pleasure-parties on the Bosphorus. Then an ambassador sometimes received the unusual honour of a recognition.

When an ambassador brought presents, as he

usually did, he delivered them immediately before his audience.*

In our day, the reception of ambassadors at Constantinople is a most undignified affair. They go when they like to see the sultan, and they do what they please in his presence. They (or some or one of them) lecture him as though he were a culprit, and he answers with fitting humility, every nerve twitching with the bitter sense of his fallen fortunes. I never saw anything so touching as one audience. I would as soon have been present at the ceremony of administering the rod to a weakly boy, or the application of the cat-of-nine-tails to a sickly soldier. I felt a sensation of sincere pity, almost of national humiliation, when I (among a crowd of some thirty or forty tinselled nobodies, who all scuffled in a disorderly manner into the presence together) witnessed the vulgar and shameful scolding by which a Christian ambassador thought proper to insult the mild and helpless prince who now sits on the tottering throne of the Eastern Cæsars. There was small bowing or reverence there; and the court of the sultan might as well have been a bear-garden.

The Baron von Ottenfels, Geschwind-Austrian internuncio at the Porte, in 1835, put the rest of the diplomatic corps to shame, by pronouncing his address to the sultan in Turkish.†

* See Von Hammer, in many places. It is to his minute and surprising industry that I have been chiefly indebted for these details.

† Vide Von Arnim's Cursory Remarks of a Traveller (Berlin, 1838), pp. 1, 104, for some information on this subject.

The sultan appears to have first received the title of "Imperial Majesty" from the States of the Zollverein, in a treaty signed in 1840.

China. Ambassadors who were sent to China, in former times, were introduced into the presence of the emperor by an agreeable fiction, in which they were represented as bringing tribute from subject states. Ambassadors were, however, frequently refused an audience, even under these humiliating circumstances; and they were sometimes ill-used, imprisoned, and murdered. A Portuguese ambassador appears to have been the first who was received, and, after undergoing many adventures, he returned home with a few insignificant presents. The Russians and Chinese, however, made acquaintance on the field of battle. The Chinese were accustomed to call the Czar "the Independent White Khan of the North," and to treat him with respect, accordingly, from very early times.

The first Russian embassy was sent to Pekin in 1656. The ambassador sternly refused to conform to the absurd usages of the court. He obtained an audience, however; and another mission that was sent shortly afterwards obtained several important privileges. In 1720, the Czar Peter sent an ambassador to China. The name of this diplomatist alone was alarming. He rejoiced in the appellation of Wassilewicz-Ismailoff. He scornfully told the Chinese that he did not at all appreciate the beauty of their little fiction about tribute and that kind of thing. "Russia,"

said this plain-spoken personage, "is mightier than China, and has not the smallest fancy for playing the part of a vassal." Wassilewicz-Ismailoff was, however, a little too hasty on this occasion, as he was at last obliged to conform to the usual ceremonies. He did so, however, on the express condition that all Chinese ambassadors sent to Moscow should conform, in every respect, to the ceremonies of the Russian court. The Son of the Heavens was persuaded to agree to this. To the astonishment of every mandarin present, he took the Czar's letter from the ambassador with his own hand. John Bell (Travels in Asia, 1788) says, one of the functionaries of the court called out three times, to all who appeared in the imperial presence, "Kneel down!" "Arise!" "Kneel down!" "Arise!" "Kneel down!" "Arise!" Every time the wretched courtier knelt down he was compelled to knock his forehead against the ground—a perilous exercise for a stiff elderly gentleman.

The Portuguese tried in vain to obtain the same honours which had been accorded to the Russians. Two English embassies also returned without their errand. Napoleon very properly blamed Lord Amherst for refusing to conform to the ceremonies of the Chinese, after he had accepted a mission to the emperor of that country. An ambassador, as a general rule, is obliged to submit to the usages of the court to which he is accredited; and Lord Amherst could

hardly demand special exception in his favour, It is certain that the British Ambassador returned to his own country without an audience, in consequence of his obstinacy. The failure of his mission, however, is said *not* to have had an unfavourable effect on British trade at Canton.

There was formerly no minister for foreign affairs in China among the six great officers of state. Foreign ambassadors were required to announce their arrival to the officers at the frontier. They were required to declare whence they came and what tribute they brought; and lastly, what favours they desired from the Children of the Heavens. After they had answered these questions, they were allowed to proceed to the capital under certain restrictions. They transacted business, afterwards, "with the officer intrusted with the reception and care of guests," who held a subordinate appointment to that of the minister of public worship. This officer had also a colleague, called the Honglusse, a kind of master of the ceremonies. The last-named functionary was the officer who accompanied the ambassador at his audience, and told him to "kneel down" and "arise" so briskly. The ambassadors being considered as guests of the Children of Heaven, were also boarded and lodged at the expense of the state as long as they remained in the empire.

These customs are said to have been materially altered in modern times; and it is probable that

Sir John Bowring may some day tell us a very different story.*

* The Allgemeine Zeitung, Oct. 7, 1844, has some curious information about the reception of ambassadors in China. See also Theatrum Europ. Contin. part xi. p. 564. With respect to audiences in Persia also, and other states not mentioned here, see Schmelzing, part ii. pp. 184—193.

CHAPTER XX.

Festivals, Coronations, &c.—Visits at Congresses.—The Title of Excellency.—Royal Arms.—Arms of Pretence.—Sudden Wars. Privileges.—Exterritoriality.—The Bavarian Code.—Insults to Ambassadors.

Festivals, Coronations, &c.

At all public festivals, coronations, triumphs, funerals, assemblies of states, &c., a place of honour is usually set apart for the diplomatic corps.

According to the etiquette of some courts, none of the diplomatic corps are ever asked to dine with the sovereign; at other courts, invitations are only given to ambassadors of the first, or first and second class. Sometimes the whole of the diplomatic corps are invited, including the secretaries and attachés. It is always customary to invite an ambassador on the occasion of any festivities given in honour of the visit of any of his own royal family at the court to which he is accredited.

Visits.

The visits of ambassadors to each other, even, have been the subject of all sorts of rules and regulations. At a diet held in the time of the Emperor Charles VI. (1711) at Frankfort, the Electoral College decreed that—

1. The ambassadors who arrived last should notify their arrival to those already assembled.

2. The notification to be made, however, by a secretary, and not by the ambassador in person.

3. The acquaintance of the whole diplomatic corps to be made in this way.

4. And of every member in particular.

5. The return compliment to be made at once.

It was further provided that every ambassador might make his visits with as many carriages and as much parade as he thought proper. The carriage of an ambassador was to be allowed to drive into the court-yards of great houses, but the carriages of his suite were obliged to remain without. Chairs were to be handed to them by pages or chamberlains. Ambassadors of the second or third rank were to receive the same honours as those of the first, unless they were accompanied by a superior, &c.

In modern times, an ambassador of the first class generally announces his official audience, and recognition by the court at which he is accredited, to the ministers and the corps diplomatique, by sending a secretary or attaché to each. After this, he usually receives the first visit from the ministers of state and the members of the corps diplomatique. Sometimes, however, ministers of state, and especially ministers for foreign affairs, receive the first visit even from ambassadors.

An ambassador of the first class usually fixes the day and hour upon which he will be prepared to receive the official visits of envoys and ministers of the second class.

An ambassador usually returns the visits of

envoys and ministers of the second class in the same order as that in which they were paid. He does not, however, make such visits in person, but merely leaves cards. He only makes personal visits to ambassadors of his own rank.

The minister for foreign affairs returns the visit of an ambassador not only for himself, but as representative of his sovereign, who cannot, according to etiquette, return the visit in person.*

At Congresses.

At congresses, the ambassadors who arrive last pay the first visit to those of equal rank who have already assembled.

The title of Excellency.

The title of "excellency," now given to ambassadors of the first class, was known as early as the fourteenth century. It was then applied to the Frankish and German emperors, and to kings. In the fifteenth century it was taken by the Italian princes, and soon passed also to the younger members of princely families. As the cardinals, however, changed their ancient title of Illustrissimus for that of Eminence, so the princes of the reigning houses gradually gave up the title of Excellence for that of Highness. Ambassadors now eagerly seized the vacant title. It was first bestowed on Louis de Gonzaga, Duc de Nevers, ambassador of Henry IV. of France t the court of Rome in 1593. He took this title as a born prince of the ducal house of

* See De Martens, Précis du Droit des Gens, tom. ii. pp. 78, 346; Schmelzing, pp. 11, 195; Schmalz, p. 96; Gutschmidt, Diss. Jur. Gent. de Prærogativa Ordinis inter Legatos, s. 34; De Callières, ch. x., &c.

Mantua. The Spanish ambassador, however, immediately pounced on the same distinction, and so did the ambassadors of Savoy and Venice. There was, of course, a fierce dispute on the matter, and the claim of ambassadors to the title was not generally allowed till the Peace of Westphalia. The papal nuncios, who at first were content with the style of Signoria Illustrissima, now chose to be called Excellencies. The ambassadors of the electors and princes of Germany also made the same claim; but the princes and electors of those times were too much occupied with tustling for their dominions, to give their representatives the support which they had expected. They got their way, however, at last; though I am not aware that it ever did them any good. The French court were a long time before they would grant either the title of excellency or ambassador to these electoral and princely representatives.* The Duke de Longueville, French ambassador at Münster, in 1645, claimed the title of highness, a pretension which was laughed to scorn by the ambassadors of the German emperor. The same preposterous claim was set up by the papal nuncios, but always with a like result.† The Austrian minister Kaunitz turned the morbid vanity of the electoral ambassadors at the Peace of Ryswick to good account; for he

* See Mabillon, De Re diplom., lib. ii. c. iv. s. 12; Goldast, Const. Imp., tom. i. s. 6, p. 277; Klüber, Bd. i. p. 355; Cæsarini Fürstenerii Tract. de Jure suprematus ac Legationis principum Germaniæ, &c.

† See Meieri, pp. 1, 382, 424, 495—500.

granted them the title of excellency only after a fierce dispute, and on condition that they should use their influence to obtain the establishment of the ninth electorate, which was then the darling project of the court of Vienna.*

Since the Congress of Osnabruck, the title of excellency has been conceded to all ambassadors of the first class. It is applied to them by ministers of state and public officers of foreign countries, but not by the sovereign himself. During the vacancy of the papal chair also, the title of excellency is never given to ambassadors by any of the cardinals, because the pope must be chosen from among them. Envoys and ministers of the second class cannot claim the title of excellency. It is, however, sometimes conceded by courtesy, to their immense delight and gratification. At very small courts, the title is sometimes given even to diplomatists of the third and fourth class. Talleyrand, who saw the judicious advantage that might be made of the aspiration after excellency among the Germans, agreed, in 1807, to grant it to all ministers of the second class who were members of the "Fürsten Collegiums."†

Royal Arms. At the Congress of Nimuegen, diplomatists first ornamented their houses with the arms of their sovereigns. The right of so doing, however,

* See Actes et Mémoires des Négociations de la Paix de Ryswick, tom. ii. p. xxvi.; and Moser, p. 248 (Beitrage).

† See Winkopp, Der rheinische Bund, &c., H. ix. S. 447; Martens, Précis, &c., tom. ii. pp. 81, 347; and the Guide Diplomatique, tom. i. p. 107.

appears to rest merely on custom. The practice would be useful, even in modern times, to indicate the residences of ambassadors, and must have been still more so when reading was rather a rare accomplishment. In our days, ambassadors seem to have almost entirely given up the convenient custom of distinguishing their houses in this manner. It is, however, still very properly continued by consuls. Moser says that formerly, at the German diets, the houses of ambassadors were distinguished by a black shield, on which the name of their sovereign was written in legible characters. Some trouble has arisen in consequence of sovereigns frequently blending arms of pretence with their own. Thus, the Marquis de Prié, who was sent as imperial ambassador to Rome, in 1712, not only blazoned the emperor's legitimate arms over the door of his palace, but also those of Spain, Sicily, Naples, and the Duchy of Milan. Count Kœnigsegg, another imperial minister, committed the same absurdity, even at Madrid, to the excessive disgust of the Spaniards.*

Arms of Pretence.

The arms of a sovereign are of course taken down from the house which has been occupied by his ambassador after the departure of the latter, or if relations are broken off in any way between the two states.

In case of a war suddenly breaking out between two states, the ambassadors on either side are

Sudden Wars.

* See De Montgon, tom. i. p. 293; De Real, Science du Gouvernement, tom. v. ch. iv. s. 4.

suffered to go in peace and uninjured. The Porte only, in former times, prevented their departure, and confined them in the Seven Towers, lest they should be exposed to any outrage from the people. This practice is now, however, abolished.* The position of ambassadors shut up in the Seven Towers was anything but pleasant. They were, in point of fact, prisoners; and they were obliged to purchase the smallest comfort from the aga who held them in custody.

Privileges. There is no doubt that both an ambassador and the whole of his suite stand under the special protection of the law of nations. Any insult offered to them is an insult to the sovereign or nation they represent. Their persons are absolutely inviolable. Nevertheless, if an ambassador or any of his suite gets into a scrape with a private person to whom his character is unknown; if he puts himself purposely in the way of mischief; if he meddles in affairs which do not concern him; or if he misconducts himself and breaks the law, his privileges avail nothing.

Exterritoriality. There is also a question as to whether he can be permitted, under any circumstances, to take the law into his own hands, or whether he must confine himself to making a complaint to the constituted authorities. On the one side, it is urged that the laws of a foreign country are only binding on the subjects of the state, and that they cannot thus affect an ambassador in any

* See Laugler, Histoire de la Paix de Belgrade, tom. i. p. 23; Von Hammer, Constantinople and the Bosphorus, vol. i. p. 624.

way, inasmuch as he possesses the full privileges of exterritoriality.

On the other hand, however, it is far more reasonably urged, that both common prudence and state policy should prevent an ambassador resorting to violence, even in self-defence, if possible. No European government, either, but that of Turkey, would now tolerate a systematic cuffing and thwacking of its subjects by diplomatic fists.*

It is clear that it would be both ungraceful and improper to refuse the promptest satisfaction to an ambassador for any inconvenience to which he may have been exposed, unless he has previously placed himself decidedly in the wrong.

The Bavarian Code.

By the Bavarian Code, art. 306, n. ii., any person insulting an ambassador, or breaking the conditions of a treaty between Bavaria and another state, is punishable as a traitor to his country in the fourth degree.

Insults to Ambassadors.

There are examples enough, however, of ambassadors having been very roughly handled. A papal legate, who brought a bull which the pope had fulminated against Visconti, tyrant of Milan, was made to eat that document. Visconti marched the legate gravely to the Naviglio bridge, and then said to him abruptly, "Choose whether you will rather have something to eat or something to drink, in memory of your mission; for one of the

* See Von Römer, p. 298; Von Mosham, p. 210; Pacapi, p. 167; Klüber, p. 329; and Heffter, Das Eur. Vol. der Geg., p. 328.

two you shall surely have before you depart." The holy man turned a miserable and imploring look on his persecutor, and then an anxious glance on the deep stream which roared below. The latter determined him; and fearing that if he decided on drinking, he would be bundled at once into the river, he gasped out that his choice was made—he would "Eat!"

"Do so, then," sneered Visconti, grimly; "swallow this piece of lead and the silken fastening to your bull."

The legate at once saw that remonstrance would be useless, even a wry face might be dangerous; so he munched the lead and silk in rueful silence. When he had eaten it, Visconti complimented him on his digestion, and sent him about his business. It is needless to say that the reverend gentleman never looked behind him.*

The Dey of Algiers, also, who loved a practical joke dearly, stuffed the French consul, Le Vacher, into the mouth of a cannon. Having duly rammed him down, he fired him off in defiance at the ship of Admiral Duquesne, whose flag was flying in the neighbourhood. Several portions of the French consul actually reached his countrymen in this unexpected manner.

The jocular dey, however, had scarcely done chuckling at his own wit, than he was obliged to decamp, bag and baggage, and leave his deyship

* See Sismondi, L'Histoire des Républiques Ital., tom. vii.; Froissart, L'Histoire de France, &c., tom. i. p. 248.

behind him. "The first companion of pride," says M. Semilasso (who relates this anecdote), very justly, "is folly; the second, repentance."

It really seems, however, as if there was something in the very name of ambassador which turns even the strongest heads. Not even the shrewd wit and clear judgment of Bernadotte was able to resist its influence; and he showed that bumptiousness and diplomacy are one and indivisible. On the 14th of April, 1798, Bernadotte, who was then French ambassador at Vienna, thought proper to hang the tricolor flag from his balcony. Towards evening, a crowd assembled round the embassy, and rapidly increased to some 20,000 persons. They called out to him to remove the flag; he refused to do so. With extraordinary rashness, he drew his sword, and threatened to attack the murmuring multitude. His servants also fired a few shots; and if General Kinski had not speedily arrived with a large military force to his assistance, he would have been of course torn to pieces. No less than 8000 soldiers were required to disperse the exasperated mob. In the end, Bernadotte was obliged to ask for his passports, and escape by night.*

At the Congress of Rastadt, the French plenipotentiaries were assassinated.

* See also Martens, Causes Célèbres du Droit des Gens, tom. i. pp. 1—46, 47, 54, 174—205; tom. ii., Appen., pp. 391—427. (Nouvelles Causes Célèbres du Droit des Gens, tom. ii. pp. 71—175), Assassinat des Plénipotentiaires Français au Congrès de Rastadt, le 20 Aout, 1799.

CHAPTER XXI.

Exemption from Taxes, &c.—Official Residence.—Immunities.—Exceptional Cases.—Debts.—Anecdote of Lucien Buonaparte.—Frederick II. of Prussia.—Police Regulations.—Jurisdiction of Ambassadors.—Distinctions to be observed between Officials and Private Servants.—Private Printing Press.—Jus Quarteriorum.—Jus Asyli.—Private Worship.—Privileges of Ambassadors in States where they are not accredited.

Exemption from Taxes, &c.

By reason of their privilege of exterritoriality, ambassadors and their suite are exempt from all the taxes and burthens of the country in which they reside. Articles for their own use are also admitted to a certain extent free of customs dues. This privilege was so shamefully misused formerly by ambassadors with a turn for commercial speculation, that it is now subject to express restrictions. Even things absolutely prohibited in other cases may be sometimes imported for or by ambassadors.

When, however, they think proper to make purchases of lands and houses on their own account, such property is of course liable to the same taxes and burthens which would be chargeable upon it if belonging to anybody else.

Official Residence.

The official residence of an ambassador, however, is exempt from all taxes. Ambassadors cannot claim exemption from postage, turnpikes, and

bridge-tolls, &c., unless by special treaty. Ambassadors are usually forbidden to trade, and instances of their having been discovered in carrying on commercial speculations are so rare that it is doubtful how far they would be able to profit by their privileges in this case. Trading ambassadors usually keep their own counsel.* Most European courts now only grant exemption from customs' dues to ambassadors for a specified time, usually a year after their arrival. Their suite have still a more limited privilege in this respect. At Vienna and Madrid it was formerly customary to send an ambassador a certain sum of money, once for all (according to his rank), as an indemnity for customs' duties.

The goods of an ambassador may be subjected to an examination at the frontier. The right is usually waived, however, unless some very gross abuse is suspected. When goods are once within the walls of an embassy, they are no longer subject to any examination whatever. Almost every state has some special regulation on this subject, and the practice varies very much according to circumstances. Every nation has also clearly a right to fix the privileges which are to be granted to ambassadors in this respect.

Sometimes, the custom-house authorities, warned by experience, have felt it necessary to request ambassadors to open sealed packets

* Compare V. Steck on Trading Ambassadors, p. 197. De Callières, Uhlich, Moser, Römer, Pacassi, Schmalz, Klüber, and Martens, have all treated on these subjects.

which formed part of their luggage, in order to satisfy a reasonable doubt respecting smuggling,* on too serious a scale. An ambassador cannot be summoned before the civil tribunals of the country in which he resides unless under exceptional circumstances. For instance:

Immunities.

Exceptional Cases.

1. If at the time of his appointment he was a subject of the sovereign at whose court he is accredited, and no formal resignation of jurisdiction has been made.

2. If he is likewise in the service of the sovereign at whose court he is accredited.

3. If he summons any subject of the state in which he resides before the public tribunals, he must appear in answer to the complaint of the defendant (actor sequitur forum rei).

4. In cases where he formally renounces his privilege (by consent of his sovereign), and voluntarily places himself under the jurisdiction of the local tribunals in some particular affair.

5. If he possesses lands or immoveable goods in his private capacity.

6. If he is a merchant or manufacturer, or possesses moveable goods as private property, and not in his public character.

In any of these cases the local tribunals will have jurisdiction over him as far as such exceptional cases may extend.†



* Compare Uhlich, Les Droits des Ambassadeurs, p. 49; De Lambertz, Mémoires, tom. iv. p. 220; C. De Martens, Causes Célèbres, tom. ii., App., p. 367.

† Compare Bynkershoek, cap. xi. xiv. xxiii.; Merlin, Répertoire,

No action can be entered against a foreign ambassador for debt; nor can he be arrested, or molested in any way. The debts of an ambassador, though even incurred on protested bills of exchange, cannot authorise any proceedings whatever against him, or the seizure of any of his goods and chattels. Even when preparing to quit the country after the termination of his mission, he can seldom be molested; and most governments expressly forbid the local authorities to interfere with him in any way on such occasions.* Passports have, nevertheless, sometimes been refused to ambassadors who owed more than they could pay, and they *have* been arrested. But on these occasions the local authorities have been invariably pronounced in the wrong. Thus, in 1791, the Venetian ambassador, Venier, was preparing to leave Paris, and his successor, Erizo, had already arrived, when he was arrested for debt, by order of the "lieutenant-civil." In the end, however, this functionary was obliged to go and beg pardon of the diplomatist, and to smooth his ruffled plumes again.† Debts.

&c., tom. viii. p. 271; Bergmayr, De Judice et Foro Legatorum, s. 31; Klüber, Bd. i. s. 343; Uhlich, Les Droits des Ambassadeurs, &c., p. 96.

* De Martens, Guide Diplomatique, tom i. p. 64; Roth's Archives, &c., II. i. s. 93; Kemmerich, p. 39; Causes Célèbres du Droit des Gens, tom. i. p. 47 (l'arrestation de l'ambassadeur de Russie de Mathweof à Londres pour dettes, et satisfaction donnée à cet égard en 1708, tom. ii. p. 110.)

† See Theatrum Eur. Contin., part xiv. p. 702. See also the Election-Capitulation of the Emperor Leopold II. (1790), Art. xxv.

The exemption of ambassadors from the jurisdiction of foreign countries appears to rest on the fiction that they are representatives of the state sending them, and therefore cannot be in any way subject to the laws of another.

Ambassadors are also free from the criminal jurisdiction of foreign countries. There were formerly many disputes on this subject, but in modern times their right of exemption is universally acknowledged.*

s. 7, and Art. xxxvi. s. 8 ; and that of Francis II. (1792), ss. 7 and 8, Art. xxv. In Prussia, the United States of America, Great Britain, Sweden, and most other countries, the law is particularly distinct on this subject. Grotius, lib. ii. cap. xviii. s. 9, lays down the following principle:—"Bona quoque legati mobilia, et quæ proinde habentur, personæ accessio, pignoris causa, aut ad solutionem debiti capi non posse, nec per judiciorum ordinem, nec, quod quidam volunt, manu regia, verius est. Nam omnis coactio abesse a legato debet, tam quæ res ei necessarias quam quæ personam tangit, quo plena ei fit securitas. Si quid ergo debiti contraxit, et ut fit, res soli eo loco nullas possideat, ipse compellandus erit amice, et si detrectet, is qui misit, ita ut ad postremum usurpentur ea quæ adversus debitores extra territorium positos usurpari solent."

* See Grotius, lib. ii. cap. xvii. s. 4:—

"4. Conjectura quoque hinc stat. Verius enim est privilegia ita intelligenda, ut aliquid tribuant ultra jus commune. Quod si legati ab injusta tantum vi tuti essent, nihil in eo magni esset, nihil præcipui. Adde quod securitas legatorum utilitati quæ ex pœna est præponderat. Nam pœna haberi potest per eum qui legatum misit volentem : et si nolit ab ipso exigi bello, tanquam criminis approbatore. Objiciunt aliqui satius unum plecti quam bello multos involvi. Atqui si is qui legatum misit factum ejus probet, legati pœna bello nos non eximet. Parte vero altera valde in lubrico locatur salus legatorum, si actuum suorum rationem alii reddere debeant quam a quo mittantur. Nam cum plerumque diversa, sæpe et adversa sint consilia eorum qui mittunt legatos, et qui accipiunt, vix est ut non semper aliquid in legatum dici posset, quod criminus accipiat speciem. Et quanquam quædam sunt ita

Montesquieu says we must beware of deciding matters belonging to the right of nations by ordi-

manifesta, ut dubitationem non habeant, sufficit tamen ad æquitatem et utilitatem legis universalis periculum universale.

"5. Quare omnino ita censeo, placuisse gentibus ut communis mos, qui quemvis in alieno territorio existentem ejus loci territorio subjicit, exceptionem pateretur in legatis, ut qui sicut fictione quadam habentur pro personis mittentium (Senatus faciem secum attulerat, auctoritatem reipublicæ, ait de legato quodam M. Tullius) ita etiam fictione simili constituerentur quasi extra territorium, unde et civili jure populi apud quem vivunt non tenentur. Quare si tale sit delictum quod contemni posse videatur, aut dissimulandum erit, aut e finibus jubendus excedere legatus, quod Polybius ei factum narrat qui Romæ obsidibus fugiendi causam præbuerat. Unde obiter datur intelligi, quod alio tempore legatus Tarentinorum qui idem deliquerat virgis cæsus est, id eo evenisse quod Tarentini victi sub Romanis esse cœpissent. Si crimen sit atrocius, et ad publicum malum spectans, mittendus erit legatus ad eum qui misit, cum postulato ut eum puniat aut dedat, quomodo Gallos postulasse legimus ut sibi dederentur Fabii.

"6. Sed, quod supra diximus aliquoties, humana jura omnia ita esse comparata ut non obligent in summa necessitate, id de hoc quoque præcepto sanctimoniæ legatorum obtinebit. Verum is apex necessitatis non est in sumtione pœnæ, quam et aliis in casibus tolli jure gentium infra apparebit cum de solennis belli effectibus agemus: multo minus in loco, tempore ac modo sumendæ pœnæ, sed in præcautione gravis mali, præsertim publici. Quare ut obviam eatur imminenti periculo, si alia nulla est ratio idonea, et retineri et interrogari legati poterunt. Ita Consules Romani Tarquinii legatos deprehenderunt, literarum in primis habita cura, ut Livius loquitur, ne intercideerent.

"7. Quod si vim armatam intentet legatus, sane occidi poterit, non per modum pœnæ, sed per modum naturalis defensionis. Sic Fabios, quos violatores juris humani Livius vocat, Galli occidere potuerunt. Itaque apud Euripidem Heraclidis Demophon fecialem ab Eurystheo missum et vi supplices abripere conantem vi prohibuit, et cum ille diceret :—

Tun' fecialem cædere huc missum audeas ?

Respondet :—

Ni fecialis dexteram a vi temperet.

Huic feciali nomen fuisse Copreo, et quia vi ageret a populo Atheniensi interfectum narrat Philostratus vita Herodis. Distinctione

nary political laws.* It is obvious, indeed, that the arrest of an ambassador might sometimes be of the most serious disadvantage to the state he represents. It might also be resorted to upon some pressing occasion by a dishonest government. It might be a pretext for the gravest mischief.

If an ambassador offends against the laws of the land in which he resides, representations must be made to his government. His recall may be justly demanded, and satisfaction even required. He may be refused the usual audiences; or, in minor cases, he may receive a verbal

non dissimili solvit Cicero quæsitum illud, an patrem patriæ proditorem filius accusare debeat. Vult enim debere ad avertendum periculum imminens, non autem vitato jam periculo in facti pœnam."

* Vide Montesquieu (De l'Esprit des Loix, part 2, liv. xxvi. ch. xxi. : "Qu'il ne faut pas décider par les loix politiques les choses qui appartiennent au droit des gens"), sagt dagenen :—

"Les lois politiques demandent que tout homme soit soumis aux Tribunaux criminels et civils du pays où il est, et à l'animadversion du Souverain.

"Le Droit des Gens a voulu que les Princes s'envoyassent des Ambassadeurs, et la raison tirée de la nature de la chose, n'a pas permis que ces Ambassadeurs dépendissent du Souverain chez qui il sont envoyés, ni de ses Tribunaux. Ils sont la parole du Prince qui les envoie, et cette parole doit être libre; aucun obstacle ne doit les empêcher d'agir; ils peuvent souvent déplaire, parce qu'ils parlent pour un homme indépendant : on pourroit leur imputer les crimes, s'ils pouvoient être punis pour des crimes; on pourroit leur supposer des dettes, s'ils pouvoient être arrêtés pour des dettes : un Prince qui a une fierté náturelle, parleroit par la bouche d'un homme, qui auroit tout à craindre. Il faut donc suivre, a l'égard des Ambassadeurs, les raisons tirées du Droit des Gens, et non pas celles qui dérivent du droit politique. Que s'ils abusent de leur Etre représentatif, on le fait cesser, en les renvoyant chez eux : on peut même les accuser devant leur Maître, qui devient par-là leur juge ou leur Complice."

Also consult Wheaton, p. 170.

or written warning to alter his conduct. An ambassador, however, may be ordered at once to leave the country, or be even expelled for a serious crime.

Anecdote of Lucien Buonaparte.

There is a laughable story about Lucien Buonaparte, which shows that the dignity and privileges, enjoyed by ambassadors, may sometimes lead them to do strange things. While Lucien was ambassador at the court of Charles IV. of Spain, he became enamoured of a Spanish lady. She had a husband; but returned the advances of the ambassador with all the liveliness and spirit of her countrywomen. Her husband was not a philosopher. He did not consider the subject with the calm and refined courtesy which should always mark the intercourse of a true gentleman and his wife. In vain the lady besought him to consider the excellency of her adorer; in vain she insisted strongly on the usages of good society in Madrid; in vain she proved to him (beyond a doubt) that the snow in the immediate neighbourhood of the North Pole was not by any means so frigid as she; in vain she delicately alluded to the advantage which it would be to their prospects in life, and their mutual position in society, to have the ambassador's carriage constantly at their door; in vain she urged that what might have appeared levity to a censorious world, was, in point of fact, *diplomacy*. She had been puzzling her poor little head to make a leading position for her husband in public life, and—and—(she took out her pocket-hand-

kerchief) this—this—this this this was her—reward! She burst into tears. She vowed to the little Don (who stood scowling in a corner, after the manner of husbands) that he had been the one long dream of her life; that his interests and affection had been her only object in the world; that she had long admired him in secret before they met; that she had married him in spite of the remonstrances of her friends, but that she had pleased her eye (here she looked up smiling) if (here she began to cry again) she was to break her heart! In short, she exhausted all the bewildering arguments of ladydom. But her husband was one of those dull dogs who are always listening about on staircases, and peeping through key-holes; and the blockhead was not a philosopher.

"Madam!" quoth the unappeased little wretch, "if you had felt for me the admiration which, as you justly observe, is my due, you would not—" He was about to allude to the key-hole, but his wife interrupted him with passionate sobs. "Ah," she cried, "you little know how far the devotion of a fond wife to the interests of an adored husband will carry her! I may indeed *appear* to be wrong, but St. Twentytoes, whose blessed feet arrived from Rome last week, will bear me witness. Listen, and I will explain everything." She cleared her throat; she parted her hair from her forehead; she settled herself more comfortably upon the sofa. She had made up her mind she would talk the Don out of his view from the key-hole;

yea, even and the—testimony of his own ears. A sharp twinge of recollection, however, seized the Don before she had got fairly into her story. "Go to, Madam!" he roared, endeavouring to arouse his mind before it got hopelessly entangled and mystified by lady-like logic, "I will have no more of such sacrifices; you shall go to a convent." Upon this, the lady seeing that nothing was to be done with such an unreasonable brute, fainted, to gain time; and, in that state of apparent insensibility, was transferred to a religious institution, where she furnished a most welcome and exciting topic of conversation for some time to the nuns.

Accordingly, when she was thus disposed of, and the Don allowed to pursue his own devices uncontrolled, of course he got into mischief. All husbands do when they are released from the rosy and judicious restrictions of a matrimonial superintendence. He ungratefully challenged the ambassador, in return for his excellency's kind attentions to his wife and youthful family. All the Buonapartes were constitutionally brave; so was Lucien. He at once accepted the challenge; but somebody happening to observe to him that he was not only a hero, but the representative of a great nation, it occurred to him that he might as well just think over the matter. Le·Thiers, the historical painter, was then at Madrid, and politely offered to take the troublesome little affair off his excellency's hands. "Do so," said Lucien, with great urbanity.

When the hostile parties were assembled, the

Don thought of the key-hole, and looked round with a wrathful eye. "Where is the individual who has dared to insult the honour of Don Diego Alonzo Gonsalvo Maria y Thirtynames? It is my intention to bleed him on the spot."

"I am your man!" answered Le Thiers, with all the loftiness necessary to his character as a temporary diplomatist.

"*You!*" cried the Don, with infinite disgust. A nobleman of the courtly house of Thirtynames cannot fight with such a fellow as *you!*"

So saying, he put up his sword, rushed back to Madrid, and published the affair among his cloaked and bearded friends, thinking thereby to arouse the vanity of the ambassador into giving him battle at last. He had scarcely been round to the chocolate shops, however, and made his family affairs the talk of a delighted society, when he was tapped on the shoulder and marched off to his estate, to the disappointment of everybody who had not yet heard the story. "The Court of Madrid," says Schmelzing, in commenting upon this strange tale, "very properly considered the matter in a purely philosophical point of view."

Frederick II. of Prussia.

The lively proceedings of ambassadors have not, however, always ended so agreeably; for, when Frederick II. of Prussia heard that his representative at Turin had offered some insult to a Sardinian officer, his majesty at once indignantly recalled him. I cannot help thinking, either, that his majesty was undoubtedly in the right. For if it has been deemed necessary, by

the wisdom of nations, to place ambassadors beyond the reach of the laws in the countries where they reside, they must not look upon their privilege as a charter for follies and disorder. It especially behoves their own government to look with unusual severity into their conduct, and to be prompt to punish any derelictions from propriety.

Police Regulations.

An ambassador is bound, also, to obey all police regulations *for the preservation and security of public peace and good order.* He cannot be cited before the police authorities, and punished in case of refusal; but a complaint should be made to his government, and satisfaction demanded for any troubles which he may have occasioned. An ambassador, also, may be arrested, if actually discovered in the act of violating a law, or endangering the security of the state which has received him.*

Jurisdiction of Ambassadors.

Ambassadors have been sometimes allowed the right of civil and even criminal jurisdiction over the subjects of their sovereign. In modern times, however, this right is seldom exercised or admitted anywhere in Europe except in Turkey.

Distinction to be observed between Officials and Private Servants.

If one of an ambassador's suite commits a criminal act beyond the walls of the Embassy, it will be necessary to distinguish if he is in official employment, and therefore beyond the law, or if he is merely in the private service of the ambassador.

In the latter case, the release of the offender would seldom be refused, on the special application

* See Moser, Schmalz, Klüber, and Martens.

of the ambassador, even although he were not a subject of the state represented by him. The practice generally observed, however, is to surrender such offenders at once to the judgment of the local tribunals. An arrest can never take place in the house of an ambassador without his express consent.

To prevent all possible collision on the subject it is usual for an ambassador to dismiss an offender at once from his private service. If, however, the offender form part of his official suite, and can thus be neither dismissed or surrendered, the ambassador is authorised to send the said offender back to his own country under proper escort to prevent his escape. In no case, however, is an ambassador now allowed to exercise jurisdiction over criminal offenders, or to go beyond a mere examination into the proofs of their guilt.

The right of criminal jurisdiction over their own subjects, or their private servants, has been denied even to sovereigns themselves during their temporary residence in a foreign country. Thus the King of France took it extremely ill when Christina of Sweden caused Monaldeschi to be executed in the gallery des cerfs.

There was a dispute also between the court of Russia and the elector Palatine of Bavaria, in 1790. The Count de Bruehl, Prussian representative at Munich, claimed criminal jurisdiction in the case of one of his own servants, said to have committed suicide beyond the walls of his house.

The local authorities, however, refused to deliver up the corpse.*

Ambassadors usually concede voluntarily a limited power over their private servants to the police, *beyond the walls of the embassy*. This has been especially the case at congresses, where the servants of ambassadors are necessarily very numerous.†

* See De Vattel, liv. iv. ch. ix. s. 124 :—" Les Gens de la Suite du Ministre Etranger étant indépendans de la jurisdiction du pays, ne peuvent être arrêtés ni punis sans son consentement. Mais il seroit peu convenable qu'ils vécussent dans une entière indépendance, et qu'ils eussent la liberté de se livrer sans crainte à toute sorte de désordres. L'Ambassadeur est nécessairement revêtu de toute l'autorité nécessaire pour les contenir. Quelques-uns veulent que cette autorité s'étende jusqu'au droit de vie et de mort. Le Marquis de Rosny, depuis Duc de Sully, étant Ambassadeur extraordinaire de France en Angleterre, un gentilhomme de sa suite se rendit coupable d'un meurtre ; ce qui excita une grande rumeur parmi le peuple de Londres. L'Ambassadeur assembla quelques Seigneurs François, qui l'avoient accompagné, fit le procès au meurtrier, et le condamna à perdre la tête ; après quoi, il fit dire au Maire de Londres, qu'il avoit jugé le Criminel, et lui demanda des Archers et un Bourreau pour exécuter la Sentence. Mais ensuite, il convint de livrer le coupable aux Anglois, pour en faire eux-mêmes justice, comme ils l'entendroient ; et M. Beaumont, Ambassadeur ordinaire de France, obtint du Roi d'Angleterre la grace du jeune-homme qui étoit son parent. Il dépend du Souverain d'étendre jusq'à ce point le pouvoir de son Ambassadeur sur les gens de sa Maison, et le Marquis de Rosny se tenoit bien assuré de l'aveu de son Maître, qui en effet approuva sa conduite."

† Vide Règlement touchant les Cérémonies Publiques et la Police outre les Domestiques (Actes et Mémoires de la Négociation de la Paix de Ryswick, nouv. ed., à la Haye, 1725, 8vo., tom. ii. p. 25, Art ix.) :—"Si quisquam domesticorum Legati aut Plenipotentiarii criminis alicujus et violatæ tranquillitatis publicæ reus compertus fuerit, Legatus aut Plenipotentiarius juri suo de delinquente pro arbitrio statuendi renunciabit, ipsumque pro abdicato et privilegiis omnibus, quæ illi ex clientela competebant, exuto habebit, curabitque insuper, ut tradatur ordinariis justitiæ administris, sive

In 1778 the ambassadors at the Diet of Regensburg empowered the city watch to eject any of their servants who might be found playing at cards or games of chance in public taverns.

The jurisdiction, exercised by foreign ambassadors and consuls over the subjects of their respective states in Turkey, is a marked exception to all the foregoing rules. It varies, however, considerably according to the separate treaties concluded by each state with the Porte. It is a power, however, fearfully abused and ill-defined. Such mighty interests are constantly placed in jeopardy by it, that I would venture respectfully to submit that there is no portion of international law which requires a more careful revision.*

A private Printing Press.

Ambassadors have sometimes claimed the right of having a private printing-press. The Prussian ambassador at the Diet of Regensburg possessed one during the seven years' war. The Portuguese ambassador at Rome, in 1759, also possessed one; but, in 1815, when the Spanish ambassador at Rome desired to establish so terrible an auxiliary, the cardinal secretary of

in urbe, sive alio loco, ubi delictum commissum fuerit, addita etiam requisitione, ut contra eundem juxta juris constitutionem et loci exigentiam procedatur."

* See Moser, part iv. p. 329; V. Steck, Versuche, &c., p. 88; F. A. G. Wenckii, Codex Juris Gentium Recentissimi, &c., tom. i. p. 538: De Mably, Droit Public de l'Europe Fondé sur les Traités, &c., tom. ii. ch. vi. p. 20; Rousset, Recueil d'Actes, Mémoires, Traités, &c., tom. xviii. pp. 17, 18; Dumont, Corps Diplomatique, tom. vii. part ii. p. 4; Dictionnaire du Citoyen, ou abregé Hist. et Prat. de Commerce, tom. i. p. 48; and Stengel, Klüber, Martens, Heffter, &c.

state declared this privilege to be abolished by command of the pope.*

In former times ambassadors were sometimes allowed to take persons under their protection who were neither attached to their suite nor subjects of their sovereign. This right was either established by special treaties or allowed by ancient custom. Thus, the Huguenots or Frenchmen of the reformed religion, who had fled from their own country and sought safety in Turkey, were still considered under the protection of the French embassy. In 1758, however, the Sultan formally remonstrated against the perpetual meddling of ambassadors in the affairs of his Christian subjects. In subsequent treaties with Christian powers, also the Porte always endeavoured to insert a clause prohibiting ambassadors from granting protections to any but their own subjects.† The electoral ambassadors were accustomed also to take many persons under their protection during the election of a new Emperor of Germany, because all persons not so protected were obliged to leave the city (in which the election took place) on such occasions.

Ambassadors to the German Confederative Assembly were forbidden to take any person under

* See Ahnert, part i. p. 472; Klüber, vol. i. pp. 343, 344; De Martens, Guide Diplomatique, &c., tom. i. p. 62.

† Moser, part iii. p. 146; part iv. p. 320; Ahnert, part i. pp. 404, 405; Treaty between Great Britain and the Porte, Jan. 5, 1809, Art. x.; De Martens, Recueil, &c. (Supplém.), tom. v. p. 162; Klüber, vol. i. pp. 307, 308; De Martens, Précis, &c., tom. ii. p. 100.

their protection, save such as belonged to their legitimate suite. Nevertheless, the right of so doing appears sometimes to have been conceded.* The exterritoriality, supposed by a legal fiction to belong to the residence of an ambassador, in ancient times very frequently extended over the whole quarter of the town or street in which the embassy was situated. This franchise des quartiers (jus quarteriorum, jus franchitiarum) as it was called, was frequently allowed at Madrid, Venice, Rome, and Frankfort-on-the-Maine, during the election and coronation of the emperors. The street or quarter of the town thus placed under the protection of an ambassador, was indicated by the arms of his sovereign, put up in some conspicuous place, and it was thus delivered from the jurisdiction of the local authorities as well as all taxes and other burdens.

Jus Quarteriorum.

In Rome an ambassador was not only allowed to protect a criminal who sought asylum in his house; but a criminal was beyond the pursuit of the law, when he entered any part of the quarter of the town in which an embassy was situated. The neighbourhood of an embassy was a sanctuary as sacred as the precincts of a royal palace. On the death of the French ambassador D'Etrees in 1686, Innocent XI. very properly endeavoured to abolish this absurd privilege; but Louis XIV., in the insolence of power, actually sent another

* See Klüber, Offentliches Recht des Teutschen Bundes und der Bundesstaaten (4 Aufl. 1840), s. 143.

ambassador (Lavardin) with an armed following of seven hundred men to maintain it by force.*

This Franchise de Quartier, or right of sanctuary, is now universally abolished. As late as 1759, however, the French ministers at Genoa would not even permit the local police to pass by their hotel; a ridiculous and offensive insult to the native authorities. In Spain these privileges were suppressed by a royal ordinance in 1684.†

The principle of exterritoriality has been generally held to establish the right of asylum (droit d'asile, jus asyli) within the walls of an ambassador's residence. This right, however, has been sometimes disputed when taken in too extended a sense, and has been frequently voluntarily abandoned. Thus it was given up by the Polish ambassadors in 1680, by the Spanish in 1682, and by the English in 1686.‡ Jus Asyli.

* See Lavardini, Legatio Romana ejusque cum Romano Pontifice, Innocentio XI., dissidia, 1697; De Martens, Causes Célèbres, vol. ii. (App.), p. 380.

† See De Martens, Guide Diplomatique, &c., tom. i. p. 80:—"A Rome cependant quelques légations, telles que celle de France et de l'Espagne, jouissent encore d'une certaine franchise de quartier; et dans la banlieue placée sous la protection de l'Ambassadeur d'Espagne, la police n'est exercée que par des sbirres appartenant à sa mission."

‡ See Helfrecht, Von den Asylen (Hof., 1801, 4to.), p. 3; Osiander, De Asylis, p. 40; Merlin, Repertoire, tom. viii. p. 541; Kluit, Historia Federum, tom. ii. p. 541; Moser, Versuch, &c., part iv. p. 307; Pacassi, p. 142; Uhlich, p. 133; Kulpis, Diss. de Legationibus Statuum Imperii, &c., ch. xx. s. 11; De Real, La Science du Gouvernement, &c., tom. v. s. 8; Tomasius, Diss. de Jure Asyli Legatorum Ædibus competente, s. 20; Bynkershoek, De Foro Legatorum, &c., cap. xxi.; Martens, Précis, &c., tom. ii. p. 97;

In modern times the ambassadorial right of asylum, which gave rise to so many abuses, is abolished in all European states. It is now everywhere laid down as a rule that an ambassador cannot shield the subject of a foreign sovereign from the vengeance of offended justice; and although the dwelling of an ambassador is inviolable, he is bound to give up to the law any criminal not a subject of his own sovereign. A difference is, however, made between offences against the state and private crimes.*

Formerly, the right of asylum applied to the carriages of ambassadors, and even now they cannot in any case be searched or examined without the express consent of their owner.

Private Worship.

The right of private worship is only granted to ambassadors under certain restrictions. That they may have private prayers said in their own houses, and for their own family (devotio domestica simplex) cannot of course be disputed. But it may be a question whether, according to the principles of international law,† they have an

Grotius, lib. ii. cap. xviii. s. 8, p. 2 :—"Ipse autem legatus an jurisdictionem habeat in familiam suam, et an jus asyli in domo sua pro quibusvis eo confugientibus, ex concessione pendet ejus apud quem agit. *Istud enim juris gentium non est.*"

* Vide V. Pacassi, p. 255; J. G. Ulrich, p. 151; Schmalz, p. 118; J. L. Klüber, vol. i. p. 327; G. F. De Martens, vol. ii. p. 98; Bn. Ch. de Martens, vol. i. pp. 81, 82.

† Vide H. Grotius, lib. ii. cap. xx. s. 48; Chris. Thomasius, ss. 16—18; Rechtliche Gräuzen der Unverletzbarkeit, &c., s. 27; A. Faber, part xiv. p. 253; J. J. Moser, Versuch, part iv. p. 156; J. G. Ulrich, Les Droits des Ambassadeurs, &c., pp. 61—84; C. G. Ahuert, part i. p. 473; J. C. Lünig, Selecta Scripta Illustria, &c., pp. 1040—1042.

absolute right to the privilege of performing religious ceremonies under the regular superintendence of a priest.

According to universal custom, however, ever since the grand schism in the Church during the sixteenth century, the right of private worship has been at least granted to ambassadors—

1. If in the place of their residence there is neither public nor private performance of the rites of the church to which they belong.*

2. If no other ambassadors from the same court are accredited with them; for in the latter case all must make use of the same chapel.

3. If the ambassadors are resident, and not merely on special and temporary missions.

Under these conditions an ambassador is allowed a private chapel within the precincts of his residence. A priest may be appointed as chaplain for the regular performance of the services of his church, as well as such other assistants as may be necessary for the due celebration of its rites. The functions of such priest or priests, however, are to be strictly confined to the limits of the embassy; and it is not usual for the place where they perform worship either

* Vide J. Schmelzing, part ii. p. 254; G. F. de Martens, Précis, &c., vol. ii. p. 103. The Emperor Joseph II. took away the privilege of a private chapel from ambassadors after he had granted a general toleration to the Protestants in Vienna. In Constantinople there are two Catholic chapels under the protection of the Austrian embassy; the rest are under French protection. The Russian embassy also has not only a private chapel, but the ceremonies of the Greek Church are publicly performed under its protection.

to have the outward appearance of a religious edifice, or for them to make use of bells or an organ.

In recent times, the right of attending an ambassador's chapel has been not only granted to his suite, but also to such other subjects of his sovereign as may be in the place of his residence.*

Sometimes, also, the chaplains of embassies are allowed to exercise their religious functions beyond the precints of the embassy.†

The right of worship which has been usually granted only to ambassadors of the first and

* See Chr. Thomasius, s. 18: "Non poterit Princeps, apud quem Legatus degit, ipsi interdicere, ut privatum in ædibus religionis suæ exercitium cum iis, qui ad ipsum pertinent, non habeat, potest tamen, salva justitia, postulare a Legato, ut alios, sive subditos illius principis, sive etiam extraneos ad istum cultum domesticum non admittat, sive Legatus eædem religioni sit addictus, cui princeps loci favet, sive aliam profiteatur, eamque vel cum Domino suo communem habeat, vel minus. Subditos autem suos et extraneos ad Legatum non pertinentes non solum ex ratione justitiæ, sed et salvo decoro poterit arcere ab isto cultu Legati privato, præprimis si hic non receptæ in loco illo religioni se adscripserit. Quin et si publicum religionis cujuscunque exercitium Legato in ædibus indulget, salvis amicitiæ legibus ab isto postulare poterit, ut cultus sacer in illo saltem idiomate fiat, quod apud Legati Dominum in usu est. Si vero Legatus postulatis istis condescendere nolit, poterit princeps loci salvis justitiæ regulis eum bona pace dimittere, ita ut neuter, neque princeps loci, Legato ultra dicta nihil indulgere volens, nec Legatus, postulatis Domini non assurgere cupiens Jus G. proprie dictum, ut bello propterea locus sit, violasse censeri debeat." J. J. Moser, Versuch, part iv. pp. 183, 226: J. J. Moser, Beiträge, part iv. p. 185; J. J. Moser, Beiträge zu dem neuesten Europäischen Gesandschaftsrecht, p. 216; Chr. Gotth. Ahnert, part i. p. 478; Schmalz, p. 121; J. Schmelzing, part ii. p. 252; J. L. Klüber, Bd. i. pp. 353, 354; Bn. Ch. de Martens, Guide Diplomatique, &c., tom. i. pp. 84, 85; A. W. Heffter, Das Europäische Völkerrecht der Gegenwart, pp. 250, 251.

† Vide Bn. Ch. de Martens, Guide Diplomatique, &c., tom. i. p. 85.

second class,* ceases with the termination of the embassy. Nevertheless, it has been usual on the death of either sovereign, to permit the continuation of it, and in latter times it has even been allowed during the entire vacancy of an embassy.†

Privileges of Ambassadors in States where they are not accredited

Ambassadors only enjoy all their privileges in the states to which they are accredited. The highest authorities on international law are indeed divided as to whether an ambassador may not claim his privileges in such states as he is obliged to pass through while going to post. The point, however, appears to be decided that in all other states except those to which he is accredited, an ambassador is considered as a private person. An exception must be made nevertheless, in favour of ambassadors at congresses, who are entitled to all their privileges, although not accredited to the authorities of the place where the congress is held. Thus foreign ambassadors to the German Confederation at Frankfurt enjoy all their privileges, and although this is scarcely a fair instance, because Frankfurt forms a constituent part of the confederation, yet the case would not be altered were it otherwise.

Ambassadors travelling through neutral states are generally not only permitted to pass without

* The same right is granted to consuls in Turkey and in Africa.

† Vide G. F. de Martens, Précis, &c., vol ii. pp. 106, 107, 361; Bn. Ch. de Martens, Guide Diplomatique, vol. i. p. 85; A. W. Heffter, p. 351.

impediment, but frequently accorded special marks of distinction; these, however, depend altogether upon courtesy, and not upon right.*

An ambassador cannot claim freedom from customs duties in travelling through a third state; but it is generally granted by courtesy.†

In time of war,‡ it is not held contrary to the law of nations to seize and imprison an ambassador travelling through a country at war with his sovereign, without proper passports or permission. The ambassadors, however, accredited to the sovereign of a conquered country are invariably considered inviolable by the victor.

* Vide J. Schmelzing, part ii. pp. 222, 223; G. F. de Martens, Précis, tom. ii. pp. 135—139; Bn. Ch. de Martens, Guide Diplomatique, &c., tom. i. pp. 86, 87.

† Freedom from the jurisdiction of a third state is not so easily accorded.

‡ Vide H. Grotius, lib. ii. cap. xviii. ss. 4, 5; J. Schmelzing, part ii. p. 223; G. F. de Martens, Précis, vol. ii. p. 137; Bn. Ch. de Martens, Causes Célèbres, vol. i. p. 285.

CHAPTER XXII.

Termination of Embassies.—Letters of Recall.—Prince Repnin's Departure from Constantinople in 1776.—Death and Burial.—Papers and Effects.—Inheritance.

Termination of Embassies.

AN embassy terminates:—1. When an ambassador has concluded the business of his mission: for instance, when a congress is dissolved; when negotiations for peace have terminated; or when he has accomplished any particular object he was sent to perform, as in embassies of ceremony, &c.

2. At the expiration of some period previously determined. Thus the functions of an ambassador ad interim terminate on the appointment or return of the ordinary ambassador. Letters of recall are not necessary for an ambassador ad interim; though this has been disputed.*

Letters of Recall.

3. By the death of the sovereign on either side. This does not necessitate the departure of the ambassador, or even the cessation of his functions, but that he should receive fresh letters of credence.†

* Vide Lettres, Mémoires, &c., du Chevalier d'Eon, p. 85; Klüber, vol. i. p. 372; Martens, Précis, &c., tom. i. p. 125.

† The official notification of the death of a sovereign, and letters of credence from his successor, are sometimes presented at the same time.

4. By the declaration of an ambassador, for given reasons, that his mission is to be considered at an end.*

5. By the sending back or expulsion of the ambassador. This is, however, a rare occurrence. On war being declared † between two powers, it is usual for both to recall their ambassadors. Nevertheless, in 1777, during the whole war between Spain and Portugal, the Portuguese and Spanish ambassadors remained at their posts.

6. On the resignation of an ambassador.‡

7. On the recall of an ambassador.

8. On the death of an ambassador.

The privileges of an ambassador continue during any temporary suspension of his functions through the death of either of the sovereigns, &c.

Various rules are observed as to the recall of ambassadors. In former times some powers § would only leave the same individual a certain time at the same court. Venice considered three years quite long enough.

On the recall of an ambassador, his embassy terminates from the time he presents his letters of recall.

If the recall has not been occasioned by some misunderstanding or disagreeable affair, it is

* Vide J. L. Klüber, vol. i. p. 372.

† Vide Bn. Ch. de Martens, Guide Diplomatique, &c., vol. i. p 155; A. W. Heffter, p. 370.

‡ Vide Kölle, pp. 307, 313, 314, for some not very sensible arguments on this head.

§ Vide Von Kölle, Bebrachlunger über Diplomatie, pp. 307, 308.

usual to solicit an audience of the sovereign, which takes place with more or less ceremony, according to circumstances. In this audience the ambassador presents his letters of recall to the sovereign, and usually makes a farewell speech * (discourse de congé), he receives at the same time his letters of recredence † (lettres de récréance, récréditif), and sometimes presents; as well as passports for himself and suite. After this audience he makes and receives his farewell visits in the same manner as on his first reception, and then takes his departure. When an ambassador receives letters of recall during the absence of the sovereign to whom he is accredited, or during his own absence from his post, he takes leave in writing.‡

Sometimes the object of a special mission will require that an ambassador should take leave without awaiting his letters of recall. Sometimes, also, in cases of misunderstanding, he receives orders to quit his post without ceremony. In this case he has only to ask for his passports, which cannot be refused him, although there are some rare examples to the contrary.§

Sometimes an ambassador is informed that he

* See part ii. pp. 33, 35.

† Vide J. J. Moser, Beiträge, &c., pp. 264—268.

‡ Vide J. Schmelzing, part ii. pp. 260—265; Schmalz, pp. 127, 128; J. L. Klüber, vol. i. p. 373; G. F. de Martens, Précis, vol. ii. pp. 126, 127.

§ Vide Schmalz, p. 127; J. Schmelzing, part ii. p. 266; G. F. de Martens, Précis, tom. ii. pp. 127, 128, 369; Bn. Ch. de Martens, Causes Célèbres, vol. ii. pp. 275, 463, 482. See also Capefique, Eur. Dip. part ii. p. 182.

will be granted an audience to take leave, which is a mild way of getting rid of him.

Prince Repnin's departure from Constantinople in 1776.

As late as the last century we have an instance of the departure of a foreign ambassador in state.* In 1776, the Russian ambassador at Constantinople (Prince Repnin) took his departure from the Porte, accompanied by a pasha with two tails, &c., together with the band of the grand vizier, which attended him from his quarters to Ponte Piccolo. An ambassador is very rarely received with any public honours on his return home.†

If an ambassador delays his departure beyond a reasonable time after having taken leave of the sovereign, he may be called upon to explain the reason, and a certain period fixed, at which his privileges will be considered to have ceased. If he remains after this, he is treated as a private individual, and any civil process which has been commenced against him even during the continuance of his official functions may now be carried before the ordinary tribunals.

Death and Burial.

When an ambassador dies in the territory of the sovereign to whom he is accredited, he is interred with the funeral honours due to his

* It may be as well to remark, that it is usual for an ambassador to take leave of a sovereign even during a temporary absence from his court during his mission. Thus, in 1782, M. de Lyndew, the Dutch ambassador in Sweden, having made a journey of a few weeks to Copenhagen without taking leave of the king, the latter desired his ambassador to complain in very strong language to the States-General. Vide J. J. Moser, Versuch, part iv. p. 429; J. J. Moser, Beiträge, pp. 271, 272.

† Vide J. J. Moser, Beiträge, pp. 274, 275, 279.

rank, and with the ceremonies, and in the burial ground of his own church.

If, however, there should be no church of his religion established, the corpse cannot be denied the rites of interment elsewhere. More particular regulations on this subject are often to be found in treaties. The body is also frequently sent home.*

The same rules are observed on the death of any of an ambassador's suite.

The first step to be taken on the death of an ambassador, is to seal up his papers and effects. The right of sealing up an ambassador's papers, &c., was often claimed by the court to which he was accredited, and gave rise to frequent disputes in former times.† Papers and Effects.

According to recent custom, the sealing up of an ambassador's papers, &c., is considered as an act which does not at all concern the authorities of the country to which he is accredited.‡

The sealing up of the papers, and taking an inventory, when necessary, of the property of a deceased ambassador, is performed by his official secretary, or, if there be two ambassadors of the same country accredited to the same court, then by the survivor of them.

* Vide Siebenkees, Neues Juristisches Magazin, part i. p. 403; J. J. Moser, Versuch, &c., part iv. p. 559; J. J. Moser, Beiträge, &c. part iv. p. 361; Schmalz, p. 125; J. Schmelzing, part ii. p. 268.

† Vide Rechtliche Gräuzen der Unverletzbarkeit, &c., s. 29 (1790); also Römer, p. 428.

‡ Vide J. Schmelzing, part ii. pp. 269, 270; J. L. Klüber, vol. i. pp. 340, 374.

In the absence of *either*, an ambassador, or secretary of embassy or legation of the same country as the deceased, at the nearest court, is usually sent to do what may be necessary.* If circumstances, however, render communication with such persons impossible, then the sealing up and making an inventory of the effects is confided to the representative of some *friendly* sovereign,† and in Rome to the cardinal protector. In the absence only of all the persons here named, can the government of a foreign state interfere at all in the matter.‡

Inheritance. Disputes respecting the inheritance of an ambassador's property are determined by the laws of his own country.§

If, however, he possessed any houses or lands in foreign countries, the succession to such houses or lands is subject to the laws of the country in which they are situated.‖

* Sometimes these duties are confided to some other subject or officer of his residing in the country.

† Vide G. F. de Martens, Précis du Droit des Gens, &c., tom. ii. pp. 129, 130; Bn. Ch. de Martens, Guide Diplomatique, &c., tom. i. pp. 160, 161:—"L'apposition des scellés et l'inventaire du mobilier se font par un ministre ou chargé d'affaires d'une cour de famille ou alliée, qui, apres avoir apposé son sceau aux archives de la légation, avec celui de ses collégues qu'il aura invité à l'assister, &c."—"Un procès-verbal en double, de cette apposition des scellés est dressé, et lors de la remise à l'agent désigné pour remplacer l'agent décédé, on dresse en triple expédition un procès-verbal de levée des scellés."

‡ Vide Bn. Ch. de Martens, tom. i. p. 161.

§ Vide G. F. de Martens, Erzählungen Merkwurdiger fälle, part ii. p. 311; Schmalz, p. 126.

‖ J. Schmelzing, part ii. p. 27; J. L. Klüber, vol. i. p. 376; Bn. Ch. de Martens, Guide, &c., vol. i. p. 172; A. W. Heffter, p. 372.

CHAPTER XXIII.

CONCLUSION.

HAVING now appointed, followed, recalled, killed, buried, and disposed of the effects of an ambassador, there remains little more to be said on the subject. I cannot, however, dismiss so easily all discussion about the present state of the diplomatic service in England.

It seems surely that the most careful, complete, and early reforms demand grave consideration. They should not be influenced by personal feeling nor party-spirit. Reform here concerns us all alike, and more nearly, more seriously by far than we have been accustomed to think. It is not a Tory question, nor a Whig question. It is a matter of mighty national importance.

If we reward every one who ventures to lift his voice against existing abuses, with ostracism; if we try by savage threats and slanderous clamour to silence the boldest; if we impute the most generous self-sacrifices for the public good to vulgar disappointment, or greedy grappling at place and profit,—the councils of our elders must be confounded; and the revolting idols we have impiously set up—the Gog and Magog

Nepotism and Patronage—shall be cast down and shattered by the hot indignation of angry men.

I would not have these words misconstrued as the sad mutterings of a melancholy mind. Go, doubting reader, to the play, the clubs, the exchange, the market, the farmer's ordinary, the cheap dining-house, the race-course, or the parks. Take any one of the signs of the times, the broad sheet of a daily paper, or the higher class of those weekly publications which are sold among our bluff democracy by hundreds of thousands. Consider dispassionately the progressive state of education, and the liberal opinions general throughout the country—then say how long Folly and Incapacity will be able to hold the spoil they have been so strangely allowed to filch from reason, wisdom, and labour. I am no apostle of a new doctrine, dear Reader, no preacher of a second crusade against the Paynims who have seized upon our temple. I am no knight-errant spurring against the dragon that molests whosoever travelleth on the road to honour. I am now but a commentator on passing events, a mere reporter, or at best a précis writer. I am abridging only the writings of other men; pointing out the meaning and the matter of them, but inventing nothing.

Lastly, in all sincerity let me add, I do not wish to trace one word of factious censure against the present government. For Lord Palmerston especially, I entertain the most loyal respect and

the warmest admiration. His colleagues are mostly practical and able men. But who can seriously deny that they are absolutely fettered and shackled by the tyranny and strength of cliques, coteries, and shadows? Let the true public, however, the great mass and body of the nation, only stand fairly by our rulers in reform, and we may have good hope. Let the gentlemen of the press muster manfully and boldly to advocate their own cause, the cause of genius and capacity.

Let the might, and right, and intellect of England band together, irrespective of petty differences. Let the honourable publicists of this country associate in the good cause, and there is no fear of their ultimate success. Most marvellous it is that the genius and practical ability of our land have so long remained in voluntary self-condemned obscurity. How long will any gifted men be yet found to write their own degradation daily—to sell their birthright for a mess of potage, to give up the rich and righteous heritage of their brains for Grub-street and the bench?

Let the author and the orator, the real teachers of nations, rally loyally round the existing government, to sustain them in the right course, and we are always certain to find among them good men and true. Let us, however, urge on reforms unflinchingly. We should remember it is the interest of the selfish crowd of chartered abuse-mongers to cry out that all opposition to them is the mere outpouring of personal spite and dis-

appointment. We should sneer and pooh-pooh this kind of thing. They are cunning of fence, but their favourite thrust will glide by us harmlessly when we see it coming. We, too, have a doughty weapon. It is right hearty scorn.

Let us back, however, yet a short while to the present matter. It is sad to think how noble a calling diplomacy should be, and to know how pitiful a thing it is. It was the profession of my choice. I sacrificed a considerable income to enter it, and I would not have changed my profitless commission to have married the daughter of the Great Mogul, and lived happy ever afterwards. I worked at it as an ambitious lawyer drudges at the law, I loved it as a soldier loves his sword. I felt a devotion to it as sincere and earnest as that of those stiff-hearted Knights of the Temple, or St. John, who rode in old days to Palestine, buoyed up by the enthusiasm of the warrior and the loftier zeal of the priest.

In a word, I believed in it. Diplomacy seemed to me that which it should and might be — a happy and peaceful means of furthering all the best and highest interests of the world—the nurse, the tutor, and the guardian of commerce—the pioneer of science—the angel of peace, destined to banish strife and discord from the world—the teacher of nations—the kindly messenger of love and good-will among all the peoples of the earth.

I collected with laborious care whatever seemed to me in any way to bear upon the duties I might some day be called upon to perform. No fact

appeared too trifling, no research too minute that gave me a clearer insight and a higher appreciation of all things belonging to my profession.

By these means I slowly collected the facts in this volume, and I now offer the fruit of my studies to the public at a time when parliament seems disposed to give serious attention to such subjects, and many sincere and able men are devising needful reforms.

They have not, at least, begun their task too early, or before their prompt and energetic interference was most sorely wanted. It is sad and surprising to think what foul stains have been brought upon a noble calling by the paltry mass of tricks, deceit, and infamy, which bad and weak men have tagged to it. Long and well assured experience has convinced us all of this; and it therefore behoves every one to whom fate denies the honour of serving his country actively, to toil in the good cause of reform, and to aid it according to his opportunities.

For, till the diplomatic service be reformed, many sensible and talented men will be condemned to fritter away their lives among its most trumpery vanities, to pass through a petty martyrdom into beggary and despair, if lavish fortune, or a constant soul, do not render them superior to both; or if they be not by nature indifferent to the baubles of prosperity, and by long high patient thought made scornful of aught but duty, whether guerdoned or not.

They might labour anxiously,—deeming, per-

chance, that by cheerful ponderings and well-reasoned deeds, their names should at last stand clearly forth, enrolled among the worthies of their age, and be a watchword for young hope evermore.

They would be systematically snubbed and ignored by a few imbecile doting old men, whose low antics and vile manœuvres would disgust them unutterably. In the race for their hard-earned honours they would see empty-headed unfledged lordlings flaunt by them in dozens, till all pride and pleasure in their work was over. They might toil long years fruitlessly. They might put their shoulders sturdily to fortune's wheel, and turn it round till all men stopped and listened to its pleasant hum, but they would not advance one step. The Apollo-Johnson of the Germans himself might weary every quality's perfection in vain, unless he had votes in the House of Commons. In a word, British diplomacy is an inheritance in a few great families. This cannot be repeated too often. Truths improve with age, and proverbs are wisest when musty. To be brief, then, let us say that any gentleman with the divine right of a fortunate connexion may prosper prodigiously; or a few lucky toadies may pass on to power, and leave learning, genius, wit, with the greatest qualities of consummate fitness, behind them.

I have written thus in all earnestness and affection towards my country. It has seemed to me better to serve her, by showing realities,

however harsh and unpleasant, rather than see her drift unknowingly into ruin. No good is done either, but through some man's sorrow. Be mine, then, O England! such evil as may come from adverse fortune, with the scathing ribaldry of false tongues; and be the profit and the vantage thine.

God knows, I have no personal interest, in this matter; I seek none of the vanities of notoriety. Whatever celebrity these books have acquired from a most indulgent and large-hearted people,—whatever future popularity they may win, I shall never claim them. It is enough for me to have laboured unknown to a great end, and to watch with eyes thrice blessed a good time drawing nigher. Were I to avow myself, the case would be little altered; for the time is over in England when the keenest eyes could discern any difference whatever between the rewards of toil and the consolations of indolence. But we should love labour for its own sake; look upon the public as a pleasant, cheerful friend, whose ready goodness sympathises right largely in all true affliction,—as one in whose service it is ungrateful and impossible to be weary. So sensible that I have laboured after my most inadequate ability, yet with unfaltering zeal, to bring some abuses to the knowledge of all men, I shall endure the sneer of folly and the scoff of those whose strongholds I have attacked with unwavering constancy.

I would dwell, however, strongly and anxiously on the high respect I feel for the true purposes

and objects of my noble and useful profession. I humbly hope that I have never said or written one word which could be misconstrued in this respect. I ought no more to be charged with an attack on diplomacy, than Luther, who opposed the sale of indulgences, could be accused of impiety; or Bacon, who cleared our schools of the dust of ancient times, could be taunted with despising the great truths of philosophy.

In our own day, Lord Brougham has surely never been held a foe to the laws, because he has passed so many years of his valuable career in ably advocating legal reforms. Dickens has never been censured as a jail-bird or a ragamuffin for having popularly exposed the mazy horror of a chancery suit, and drawn the immortal characters of Dodson and Fogg, or Brass of Bevis Marks. Neither is it to be inferred that he, one of the greatest and kindliest public teachers England has ever known, desires to ridicule the institutions of marriage and will-making, because he laughs with such inimitable grace at the Commons in "David Copperfield," or describes the true startling sadness of a poor man's sullied hearth in "Hard Times." One may be sincerely pious, yet repudiate the doctrines of the Mormons, the Jumpers, and the fuddled tenets of the inspired cobbler who improved an occasion last week on Kennington Common. Mr. Layard may be an ardent reformer, without going so far as that high-born Mr. Bligh, whom the papers informed us lay on his stomach and harangued the crowd during the

recent disturbances in Hyde Park. May I not, therefore, be allowed to point out abuses to the full as bad as those which the strong hand of glorious Brougham pulled happily down, or those which the pleasant pen of Dickens is daily fretting so perseveringly away?

If we did not live in a progressive age,—if this were not indeed a summer dawn of hope among us, I should lay down my pen in despair; as it is, I have already learned from the past to glean promise for the future; and because many things have changed for the better, to expect confidently that others will change also;—if not in my time, then afterwards, since it is not permitted by Almighty Wisdom for all who sow to reap a harvest, for all who pass their years of pain and travel in the wilderness to enter into the promised land.

Unhappily, most unhappily, no great evil can be attacked, without saying some strong things of the class of persons who profit by it. Every man belonging to that class seeks out the cap which fits him, puts it on his own head triumphantly, and though no personal affront was meant him, imprudently claims a right to be angry. Some gentlemen who go thus in search of grievances may be simple, weak-minded persons, who are merely blindly doing wrong in an orthodox way, as their forbears have sinned from time immemorial. Such people feel sore, and as they think justly angry, when their prosperous little monopolies and peculations are attacked. They believe

simply and truly that it is a proper and constitutional thing for them to wax fat in idleness, to receive large vails for doing fussy nothings, to err tradition, and by custom fail.

It is difficult specially to exempt such witless offenders from that censure which only properly applies to those who are designedly wicked and corrupt; it would suggest an odious comparison. It is hard even to include them in indiscriminate reprimand.

If I have been obliged, therefore, to write harsh things, I have always done so with true pain and reluctance; I have sincerely regretted that it was impossible to call attention to most fearful mischief without doing so; I felt that it would ill become me to shrink from the task, and that I was urged forward by that good spirit which sits on the pen of an honest writer. But I repeat most emphatically, that throughout these discussions I have never had one personal feeling or object, and I would rather my right hand forgot its cunning than degrade a public evil into a private wrong.

I thank the gentlemen of the press most heartily, that they have looked upon my feeble exertions in this light. They have condescended to take note that I have stood firm against fearful odds to struggle for right, honour, and fair dealing, in place of the nonsense, mystery, and something worse which have so long disgraced our intercourse with foreign countries.

They have seen for the rest that there was a

fight between one man and a great many bears. The gentlemen of the press are not official men, and so they did not help the bears.

After all is said and done, however, the pursuit of literature is scarcely satisfactory. When our best labours are over, we feel that so much might have been done, which has been left undone; and that which has been done, might have been done better. The condition of the human mind is one of progress. We learn something every day. The intellect develops, the thoughts take a wider range. The opinions of a thinking man at the conclusion of a long and arduous labour are seldom precisely the same as when he began it, and the most careful author on reading over his work will find some passages on which he would have bestowed more care, and others thoughtfully elaborated, which he would, perhaps, have rejected altogether. I think, therefore, if I were to write this book over again, I should treat some subjects with a sterner pen, and more emphatically denounce the follies and absurdities which I have touched here and there with too light a hand.

It seemed to me, however, at the time, impossible to speak seriously about international quarrels for a kiss; the vagaries of ambassadors too dignified to fight their own duels, and not too dignified to allow somebody else to fight for them; now struggling for a place at a dinner-table, and now hanging half-way between the saddle and the ground, lest their diplomatic

feet should touch the earth an instant before the aspiring toes of a colleague. But why go over the same ground again? Let me now lift my hat dutifully to the reader, and bid him good speed.

THE END.

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